



Contribution of *Journal of Intellectual Property Rights (JIPR)* in IPR Research: A View through the Articles Published in the Second Decade of Twenty-First Century (2010–2014) — IV

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This Paper seeks to review the articles published in the *Journal of Intellectual Property Rights (JIPR)* in the first half of the second decade of the twenty-first century from Volume 15 (1) (2010) to Volume 19 (6) (2014). This is the fourth paper on the theme '*JIPR in IPR Research*' and proceeds with the same argument and method as developed and used in the previous three papers published on the theme '*JIPR in IPR Research*'. In this decade, two Special Issues on the themes '*IPR and Agriculture*' and '*Leveraging IP for Business Advantage*' were published with their separate guest editors. Compared to the previous decades, the articles published between 2010–2014 are maximum. Out of the total articles published between 1996–2014, the number of articles (251) published in this decade between 2010–2014 constitute 37.24 (point two four) compared to 32.64 (point six four) percent in 2005–2009, 19.58 (point five eight) percent in 2000–2004 and 10.53 (point five three) in 1996–1999.

Keywords: *JIPR*, IP statutes, Scholars, CSIR-NIScPR, CSIR-NISCAIR, IP Awareness, Articles, Copyright, Patents, Trade Marks, Geographical Indications, Trade Secrets, Industrial Design, Design, Integrated Circuit, Plant Varieties, TRIPS, WIPO, GATT, IPRs, Treaties, Agreement, Research, Case Law Development, Internet Service Provider, Amendments, Review, Handicrafts, Counterfeit Drugs, IP Publications, Dissemination of Knowledge, Creation of New Knowledge, Second Decade, Twenty-first Century

This Paper is in continuation to the Paper '*Contribution of Journal of Intellectual Property Rights (JIPR) in IPR Research: A View through the Articles Published in the Last Decade of Twentieth-Century (1996–1999) — I*¹ (First Paper). A sequel to the First Paper covered the review of articles published in the first half of the first decade of twenty-first century (2000–2004)² and another covered the articles published in the first half of the first decade of twenty-first century (2005–2009).³ This is the fourth paper in the series and reviews the articles published in the *Journal of Intellectual Property Rights (JIPR)* in the first half of the second decade of the twenty-first century (2010–2014). Paper proceeds on the same arguments and method as developed and adopted in the First Paper and the published sequels. A total of two hundred and fifty-one (251) articles were published in *JIPR* during this period. Most number of articles published in a volume is fifty-eight (58) in Volume 18

(2013) and the lowest is thirty-seven (37) published in Volume 15 (2010).

Articles in *JIPR*: First Decade of the Twenty-first Century (2010–2014)

During this decade (second half) of the twenty-first century, a total of two hundred and fifty-one articles in thirty (30) issues of five (5) volumes were published in *JIPR*, with fifty-eight (58) articles in Volume 18 (2013), fifty-six (56) articles in Volume 17 (2012), fifty-three (53) articles in Volume 16 (2011), forty-seven (47) articles in Volume 19 (2014), and thirty-seven (37) articles in Volume 15 (2010). In this decade, two special issues on two different themes were published in two different volumes of *JIPR* with separate guest editors.

JIPR in the Year 2010

A total of thirty-seven (37) articles including one technical note were published in a total six (6) Issues of Volume 10 of *JIPR*. Out of these 37 articles, maximum number of articles (7 each) were published in the Issues (1), (3) and (6). Maximum number of articles contributed to *JIPR* by any Indian author is

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five, named M D Nair. Out of seven articles published in Issue 15 (6), five (5) articles were published by foreign authors. One article with three (3) co-authors was published in the issue 15 (3). A total of eleven (11) foreign authors from seven (7) countries contributed their papers (total seven including three co-authored) in this Volume, namely: A Michael A Carrier (UK); Wenqi Liu Junli Chang and Xuezhig Zhu (China); James Mitchell Watkins and Mark Zachary Taylor (USA); LiudmilaMorán Martínez (Cuba); Mrinalini Kochupillai (Germany); N Ayse OdmanBoztsoun (Turkey); and SepehrGhazinoory and Mansoureh Abdi (Iran). The articles published in the Issues (2) and (3) of the volume are not mentioned in an order on the journal's page. A total of thirty (30) Indian scholars contributed their articles to *JIPR*. This Issue includes eight (8) co-authored articles and twenty-nine (29) single authored articles. Most number of foreign authors who contributed their articles to this volume are from China, USA, and Iran (2 authors each). No article by any Indian scholar in co-authorship with foreign scholar was published in this Issue.

'The Pirate Bay, Grokster, and Google',⁴ is the first article from this decade. This article has explored the consequences of Swedish District Court in the Pirate Bay Website case.

'The Protection and Utilization of Public Funded Intellectual Property Bill, 2008: A Critique in the Light of India's Innovation Environment',⁵ has reviewed the proposed Indian Protection and Utilization of Public Funded Intellectual Property Bill, 2008, along with relevant Indian policies and regulations relating to IP.

'The Scope of Online Service Providers' Liability for Copyright Infringing Third Party Content under the Indian Laws – The Road Ahead',⁶ has examined the scope of immunities available to the intermediaries in the light of the laws of the US and European Union. It has also examined the scope of online service providers' liability under the Copyright Act, 1957⁷ under three heads viz. direct liability, secondary liability, and criminal liability.

'Economic Rights of Authors under Copyright Law: Some Emerging Judicial Trends',⁸ has discussed the various rights of the authors in the light of judicial pronouncements along with covering the issues like transitory copying and conversion of the work from two dimensional to three dimensional and how the same has been looked into by various courts.

'Patenting Life the American, European and Indian Way',⁹ has discussed the evolution of patenting life in the US, Europe, and India and explored the feasibility of offering similar statutory protection to living organisms manufactured with significant human intervention in India.

'IP Case Law Developments',¹⁰ has summarized the reported cases on IP law to enable readers to understand how the courts have applied principles of IP law to actual IP disputes.

'TRIPS, WTO and IPR - TRIPS & Affordable Healthcare: The Concept of OSDD & Patent Pools',¹¹ has covered TRIPS and affordable healthcare and the concept of OSDD & patent pools.

'Onset of Mobile Chip Piracy in the Domain of Copyright Infringement',¹² has discussed how the normal mobile usages results into copyright infringements and huge loss to the music and related industries. Article also has discussed the initiatives taken for curbing such piracy.

'Role of Intellectual Property during Recession',¹³ has discussed the reliance of companies on the IP assets during global economic recession. Article has in this regard interviewed the IPR experts and studies randomly selected companies.

'Insight into Firms' Strategy for Leveraging Technological Competences in Asia',¹⁴ has examined how national or foreign firms leverage the technological competence of inventors from select Asian and other countries.

'IP Case Law Developments',¹⁵ has summarized the reported cases on IP law to enable readers to understand how the courts have applied principles of IP law to actual IP disputes.

'Bridging the Time and Tide-Traditional Knowledge in the 21st Century',¹⁶ is a technical note. It has examined the salient features of the proposed The Traditional Knowledge (Protection and Regulation to Access) Bill 2009.

'TRIPS, WTO and IPR - World Patents',¹⁷ has discussed about the attempts to harmonize global patent systems.

'Patent Linkage in India: Current Scenario and Need for Deliberation',¹⁸ has discussed the judicial pronouncements and pertinent legislations to the history and scope of patent linkage in India. It has in detail discussed *Bayer Corporation v Cipla, Union of India*.¹⁹

'Nanotechnology Patents as R&D Indicators for Disease Management Strategies in Agriculture',²⁰ has illustrated the potential of patents as indicators of technology to develop a framework for knowledge mapping.

'The Patent Regime and Nanotechnology: Issues and Challenges',²¹ has proposed suggestions to help reconcile the need to incentivize innovation in the new technology, with the imperative of ensuring that the public interest is served and access to the patented knowledge is not hindered.

'Komal Chaul – A Potential Candidate for Geographical Indication',²² has presented a step-by-step procedure for identifying and testing of a GI candidate and a walk-through GI candidature, application and registration steps — for the purpose of identification is for 'Komal Chaul', a suitable candidate for GI from Assam.

'Legal Protection of Geographical Indications in Jammu and Kashmir—A Case Study of Kashmiri Handicrafts',²³ has discussed different GIs which could be considered for registration in the light of statistical figures of revenue generated by such handicrafts. It has argued that the traditional knowledge relating to handicrafts which is left un-protected should be protected by some sui generis system to suit the needs of the local craftsmen.

'Approaches to Ensuring Access to Pharmaceuticals under the New China's Patent Law',²⁴ has discussed the coexistence between the right to health and IP rights, reviews the amendments of China's patent law, and studied how China achieves the flexibilities allowed by TRIPS and analyses its implications for safeguarding public health.

'TRIPS, WTO and IPR: Prevailing Issues and Emerging Trends',²⁵ has discussed about prevailing issues and emerging trends.

'How Effective is Sui Generis Plant Variety Protection in India: Some Initial Feedback',²⁶ has discussed the prospects of licensing/cross-licensing extant varieties including premium farmers' varieties to small and local seed companies in the short term are discussed.

'Analysis of the Mysterious Element of Quality Control in Trademark Licensing',²⁷ has discussed the practice of trademark licensing done without an exercise of quality control and explored the meaning, origin, forms and rationale of quality control. Paper has argued that direct provisions have lost their relevance and should be taken out of the statute book while maintaining that the implicit provisions continue to be meaningful.

'Protection of Well Known Trademarks and Weakening of Honest Concurrent User Defense',²⁸ has examined the 'honest and concurrent user' defense against the action of passing off pertaining to

trademarks' use by analysing the latest case laws and pin pointed a few exceptional cases where the courts have been more lenient in allowing this defense; pertaining to education sector in particular, on the grounds of public interest.

'IP Audit: Way to a Healthy Organization',²⁹ has discussed IP audit and its importance in the management of intellectual assets of organizations. It has argued that IP audit helps organizations to avoid the pitfalls and maximize value of the intangible assets possessed by these organizations without the fear of any unwarranted legal proceedings.

'TRIPS, WTO and IPR: The Year 2009 in Retrospect',³⁰ has discussed WTO being a custodian of all matters related to the implementation of TRIPS.

'Facilitating Access or Monopoly: Patent Pools at the Interface of Patent and Competition Regimes',³¹ has discussed patent pools highlighting the dearth of Indian judicial pronouncements on it and covering it in light of the Indian Competition Act, 2002.

'Compulsory Licensing under TRIPS: How Far it Addresses Public Health Concerns in Developing Nations',³² has examined the international law on compulsory licensing in patents. Article has argued that although there are a number of obstacles placed through the new patent law regime mandated by TRIPS, there is still immense scope left for the developing countries to exploit. Careful planning and policy making can enable an effective balancing of the conflicting interests of protecting patent rights and making essential drugs accessible to all.

'Cyberspace-Conflicting Jurisdictional Spheres of Litigating IPR Claims',³³ has explored how the traditional principles of jurisdiction are being adapted to amenability of jurisdiction of cyberspace-origin cases.

'Principles Governing Damages in Trademark Infringement',³⁴ has compared the principles governing damages in trademark infringement in UK, EU, and USA while rendering an insight into the principle of damages as conceived under the Indian trademark law.

'TRIPS, WTO and IPR: Counterfeit Drugs',³⁵ has discussed counterfeit drugs in light of WTO.

'Intellectual Property Protection and US Foreign Direct Investment in Emerging Economies',³⁶ has discussed the question 'do IPR affect foreign direct investment into emerging economies'. It has suggested that IPRs are not an end-in-themselves, rather they are a means by which to increase investment in innovative activity; therefore, they should be designed and enforced with this goal.

'Exploring the Utility of Utility Models for Fostering Innovation',³⁷ has examined the pros and cons of utility models, short term, and petty patents; and developed the argument that such rights are necessary to foster innovation in a capitalist economy. Article has further asserted that such utility models may serve to remedy the shortcomings of the patent system, provided that they are enforced within a legal structure conducive to innovation, *i.e.*, complemented with certain restrictions envisaged in the relevant intellectual property legislation and conditioned by effective enforcement of antitrust laws.

'Patent Licensing: Global Perspective and Analysis of Case Studies',³⁸ has examined licensing as a fundamental mode of technology transfer and the rationale behind grant of licences, and explored legal and institutional aspects of technology transfer, particularly, patent licensing in a global context.

'Bioinformatics Databases: Intellectual Property Protection Strategy',³⁹ has presented the current and global position of IP protection in bioinformatics database, and has proposed a protection method after analysing characteristics of bioinformatics databases and considering different database protection methods.

'Ambush Marketing – Need for Legislation in India',⁴⁰ has examined ambush marketing as an IP infringement and suitability of the current IP legislations to tackle it.

'Promoting Nanotechnology Patenting: A New Experience in National Innovation System of Iran',⁴¹ has analyzed the efficiency and effectiveness of the programme launched by Iran Nanotechnology Initiative Council (INIC) to overcome existing shortcomings and encourage nanotechnology researchers to protect their inventions in the country and particularly, overseas.

'TRIPS, WTO and IPR: Impact of Indian Patent Act 2005 on Indian Pharmaceutical Industry',⁴² has discussed the impact of the Indian Patent Act 2005 on Indian pharmaceutical industry.

In this Volume, 8 articles covered the areas of patents; 6 articles covered TRIPS, WTO and IPR; 3 articles each on the areas of IPRs, Copyright, and Trademarks; 2 articles each on the areas of IP Case Law Development, and Geographical Indications; and 1 article each on the areas of Technological Competences, Innovation, Traditional Knowledge, Access to Pharmaceuticals, Plant Variety, IP Audit, IPR Claims, Utility Models, Bioinformatics Databases, and Ambush Marketing.

JIPR in the Year 2011

A total of fifty-three (53) articles were published in this Volume. Issue (2) of Volume 16 is a Special Issue on *'IPR and Agriculture'* with Dr. Sudhir Kochhar as its Guest Editor. The Special Issue includes eighteen (18) articles on the theme. Most number of articles *i.e.*, eighteen, were published in Issue (2). A total of sixteen (16) articles which include six (6) co-authored and ten (10) sole authored, were contributed by twenty six (6) foreign scholars from twelve (12) countries in this volume, namely: SepehrGhazinoory, Sadegh Abedi and Behnam Mashari (Iran); Rolf Jördens and Peter Button (Switzerland); Mrinalini Kochupillai (Germany); Janice M Strachan, John Spink, Arshdeep Kaur Sidhu and Paul Di Giammarino (USA); Tse-Ping Dong, Chun-Hsien Sung and I-Hsuan Hsiao (Taiwan); Wenqi Lie and Bingpin Lu (China); Elizabeth Ferrerira da Silva and Patricia Pereira Peralta (Brazil); Roya Ghafele, Benjamin Gibert and Trevor Cook (UK); Mikael Collan and Markku Heikkilä (Finland); Jeonghwan Jeon, Changyong Lee and Yongtae Park (Korea);Rojina Thapa (Nepal); and Bernardita Escobar-Andrae (Chile). Trevor Cook authored two (2)articles in this Volume. All the issues were published in an order in this Volume. A total of fifty-six (56) Indian authors contributed their articles in this Volume of which Tabrez Ahmad, Trevor Cook, and M Sakthivel authored two articles; and M D Nair authored six (6) articles. Most number of foreign authors who contributed their articles to this Volume are USA (four authors). No article by any Indian scholar in co-authorship with foreign scholar was published in this Issue. All the articles were published in an order in all the issues of this Volume.

'Celebrity Rights: Protection under IP Laws',⁴³ discussed the privacy, publicity, merchandising right, moral right, personality right, passing off rights in light of the Indian laws and practices prevalent in US, UK, and civil law countries like France and Germany.

'Accommodating Long Term Scientific Progress: Patent Prospects in the Pharmaceutical Industry',⁴⁴ discussed the theoretical justifications of the patent system and has identified and distinguished between the various implications of 'prospect' theory of patents, proposed by Edmund Kitch.

'Is It Broadcast or Broadcasting?',⁴⁵ has emphasized on the clarity on the definition of broadcast for the purpose of determining the rights. In this regard, authors have critically analyzed the definition of

broadcast under the Indian Copyright Act by way of examining the relevant provisions in detail.

'Model for IP Protection based on an Empirical Study of Iranian Nanotechnology Companies',⁴⁶ has proposed for the strategic protection of IP in nanotechnology companies. It has examined the innovation preservation practices in 45 existing companies in the area of nanotechnology protection in Iran.

'TRIPS, WTO and IPR: Protection of Bioresources and Traditional Knowledge',⁴⁷ has discussed about the protection of bioresources and traditional knowledge.

Special Issue 16 (2) (2011) on 'IPR and Agriculture'

Out of eighteen (18) articles published in this Special Issue, five articles (four co-authored and one sole authored) were published by foreign scholars from Switzerland, Germany, and USA. These eighteen articles include eight (8) co-authored and ten (10) sole authored pieces. One (1) article published in this Issue has been jointly written by four authors.

'Analysis of Opportunities and Challenges in IPR and Agriculture in the Indian Context',⁴⁸ has assimilated the current state of IPR knowledge and proprietary products in the Indian jurisdiction, and analyzed the recent foreign interests in respect of patenting in the areas of animal vaccines and diagnostics *vis-à-vis* the existing strength of the national system.

'Effective System of Plant Variety Protection in Responding to Challenges of a Changing World: UPOV Perspective',⁴⁹ has discussed the UPOV Convention and argues around the benefits of an effective *sui generis* system of plant variety protection.

'Intellectual Property Rights for Plants in the United States',⁵⁰ provided a basic overview of plant patents, utility patents and plant variety protection in the US.

'The Indian PPV&FR Act, 2001: Historical and Implementation Perspectives',⁵¹ has examined the objectives of the PPV&FR Act in the light of history and current state of Indian agriculture, drawing comparisons with approaches adopted by developed countries and/or the international community in the early days of plant variety protection where relevant.

'Implementation of Indian PPV&FR Act and Rules: Inadequacies Leading to Avoidable Litigation',⁵² has discussed the shortcomings and inadequacies in the implementation of PPV&FR Act, suggesting measures to avoid misuse of the Act and thereby unwarranted litigations.

'Sui Generis IPR Laws vis-à-vis Farmers' Rights in Some Asian Countries: Implications under the WTO',⁵³ has discussed the International Treaty for Plant Genetic Resources for Food and Agriculture (ITPGRFA). It has analyzed the farmers' rights development in South Asia from the perspective of IP enforcement.

'IPR Laws to Protect Innovation not Restrict Crop Breeding - A Rational Approach',⁵⁴ has highlighted the problems in the area, argued for a rational approach to protect innovation without restricting research.

'Agricultural Research vis-à-vis the Cresting IPR Wave in the 21st Century',⁵⁵ has argued for bridging the gap in the perception of researchers and legal acumen wherein IP audit is an important tool to assess and project the intellectual properties of clients. It has attempted to synthesize a well-knit idea for IPR awareness in agriculture sector using sectoral as well as external examples.

'IPR Protection in Agriculture: An Overview',⁵⁶ has discussed the IP protection in agriculture which was not traditionally applied earlier and has argued for extending IPR in all its forms to agriculture.

'Research and Development Perspectives of Transgenic Cotton: Evidence from Patent Landscape Studies',⁵⁷ has assessed patenting trends of this revolutionary technology in agriculture and its role in commercialization of the crop. Patent landscape analysis was deployed to map bibliographic patterns such as publication and priority year, country, assignees, and technological analysis of major research areas with applications in technology development. This study has illustrated the crowded domain of technology providers and the need to build strategic partnership platforms for effective use of the products.

'Intellectual Property Rights Regime for Livestock Agriculture in India - Present Status and Future Prospects',⁵⁸ has studied the present status of IPR protection in livestock sector in India and future prospects considering the typical livestock production situation existing in the country.

'Agricultural Machinery in India: IPR Perspective',⁵⁹ has analyzed patenting activity to identify current innovations on agricultural machinery in India.

'Commercialization of Indigenous Health Drinks as Geographical Indications',⁶⁰ has discussed the question can GI be a platform for product and market development addressing socio-economic issues? It has proffered some suggestions and models for GI

registration and business strategy with sustainable rural livelihood development.

'*GATT, TRIPS, WTO and CBD – Relevance to Agriculture*',⁶¹ has evaluated the role that GATT, TRIPS, WTO, CBD and climate change play in the sustenance and development of agriculture pursuits, primarily in the developing and least developed economies.

'*The Challenge of Intellectual Property Enforcement for Agriculture Technology Transfers, Additives, Raw Materials, and Finished Goods against Product Fraud and Counterfeiters*',⁶² has discussed the consumer product fraud (food fraud, or economically motivated adulteration) under 4 broad-parts.

'*Managing Intellectual Property for Agriculture Inventions in the University*',⁶³ has discussed the patent policies, technology transfer policies and special practices within the office of technology commercialization at the University of California, which, by some measures, is the largest public technology transfer program in the world.

'*Circumventing Complex Intellectual Property Hurdles to Enable Access to Proven Upstream Technology for Poverty Alleviation and Benefiting Resource Poor Farmers: Case Studies*',⁶⁴ has discussed two case studies pertaining to rice and chickpea.

'*Role of Freedom to Operate in Business with Proprietary Products*',⁶⁵ has illustrated the methodology for FTO analysis, limited to patent rights.

For the first time, *JIPR* published an Issue dedicated completely on a theme and making person specialized in the area to be a guest editor of the issue.

'*Post-TRIPS Patenting Trends in India with Special Reference to USA: A Comparative Analysis*',⁶⁶ has analyzed the patent trend in India and has argued that TRIPS has neither encouraged innovation in India nor has it played any major role in the development of India.

'*Exuberance or Bubble? Study of Nano-Based Herbal Medicine Patents in the PR China*',⁶⁷ was the first article for which *JIPR* publish a corrigendum to include I-Hsuan Hsiao as an author of this article. This article has discussed the issue of overly broad patent applications and assignments in the PR China by examining a case.

'*A Critical Review of China's Approach to Limitation of the Internet Service Provider's Liability: A Comparative Perspective*',⁶⁸ has reviewed China's approach to limitation of the ISP's liability from a perspective of legislation and judicial practice,

comparing differences in this context between China, the US and EU.

'*Collective Marks and Geographical Indications - Competitive Strategy of Differentiation and Appropriation of Intangible Heritage*',⁶⁹ has evaluated the potential use of collective marks and geographical indications as forms of protection for ownership and differentiation of handicraft production in Brazil, considered as intangible heritage.

'*The Competition-IP Dichotomy: Emerging Challenges in Technology Transfer Licenses*',⁷⁰ has discussed the EU TTBE 2004 Regulations as well as the US antitrust guidelines to highlight the need for a balance between the two conflicting interests of competition policy and the protection of technological know-how – with an aim to set forth an adaptation of guidelines for India, keeping in mind the anti-trust laws of other jurisdictions.

'*TRIPS, WTO and IPR: Recent Happenings in WTO*',⁷¹ has discussed the recent developments in the WTO.

'*Driving Innovation Through Patent Application Review: The Power of Crowdsourcing Prior Art Search*',⁷² has discussed the crowdsourcing phenomenon and how it can aid patent review.

'*4G Peer-to-Peer Technology – Is it Covered by Copyright?*',⁷³ has highlighted the legal issues that have developed since the advent of the fourth-generation peer-to-peer (4G P2P) Internet file transmission technology especially in the copyright regime. Article has argued that without studying the technology as well as defining rights of the author over the 4G P2P, extension of rights to the broadcasters as well as streamers (webcasters in a limited context) is impossible.

'*Dealing 'Fairly' with Software in India*',⁷⁴ has analyzed the Section 52(1)(ab) of the Copyright Act, 1957 which deals with the fair use exception in case of computer software.

'*The Emergence of New R&D Paradigms in the Indian Pharmaceutical Industry: Post TRIPS Period*',⁷⁵ has examined the steps involved in development of R&D capabilities in the Indian pharmaceutical firms as a response to strengthening of patent law, and has also analyzed post-TRIPS behaviour of domestic pharmaceutical firms in India with respect to R&D intensification, development of new molecules and enhanced DMF filings.

'*FDI Flows into the Indian Pharmaceutical Industry: An Analysis of Trends and Constraints*',⁷⁶

has examined the Foreign Direct Investment flows into the firms of Indian pharmaceutical industry.

'Cinematographic Lyricists Right to Royalty: Myth or Reality?',⁷⁷ has discussed the issue of a cinematographic lyricist's right to copyright royalty after the producer of a film has been assigned the right – in the light of the Copyright (Amendment) Bill, 2010.

'Intellection of Trade Secret and Innovation Laws in India',⁷⁸ has discussed the development of trade secret law referring to the US laws. Article in the light of National Innovation Policy has analyzed the potential of innovation law on trade secret.

'TRIPS, WTO and IPR: IPA 2005: Potential for Disputes and Litigation',⁷⁹ has discussed the potential of IPA 2005.

'Enhancing Patent Valuation with the Pay-off Method',⁸⁰ has explicated how patent valuation can be enhanced with the help of the pay-off method, based on any of the three 'conventional' patent valuation methods.

'How to Use Patent Information to Search Potential Technology Partners in Open Innovation',⁸¹ has proposed a systematic approach to searching potential technology partners using patent information which is accessible from anywhere.

'Morality of Copyright – A Critique in view of the '3 Idiots' Controversy',⁸² has discussed the issue relating to moral nature of copyright and legitimacy concern involved under the copyright law. In this regard, article has referred to the copyright law of common law and civil law jurisdictions, and also the judicial pronouncements and international conventions.

'Rights and Duties of Broadcasting Organizations: Analysis of WIPO Treaty on the Protection of Broadcasting Organizations',⁸³ has discussed the question whether granting further protection in the form of exclusive rights will serve the interest of developing nations or not.

'Best Mode Disclosure for Patent Applications: An International and Comparative Perspective',⁸⁴ has discussed the best mode disclosure requirement from an international and comparative perspective, and suggested how developing countries should implement this disclosure requirement. Article has also discussed the question 'whether a developing country should implement the best mode disclosure requirement, and if so, how to best implement it?'

'Abrogating Sovereign Immunity in Patent Infringement Cases in India: Retreating Without

Disgrace',⁸⁵ has discussed the question 'can Article 300A of the Indian Constitution (the right to property), interpreted in the light of the doctrine of reasonableness, be used as a remedy by patentees in case of infringement by the State through a writ petition under Article 226 of the constitution?' After all, the jurisprudence of the liability of the State in India is indeed much more evolved and more oriented in favour of the rule of law than it is in the United States. Article has also examined the incongruity between patent infringement liability for acts by a private individual and exemption for the same acts by the government.

'European Intellectual Property Developments',⁸⁶ was the first article in the series discussing the EU IP laws with an aim to expand knowledge of and to explain something of European IP laws; how they got to their present state, what are current hot topics in them, where they are heading and why they matter. This article provides an overview of some of the issues.

'TRIPS, WTO and IPR: Geographical Indication Protection in India',⁸⁷ has discussed WTO and the protection of geographical indications in India.

'Patent Monopoly and Doctrine of Exhaustion: Limits on Exclusive Right',⁸⁸ has argued that those conditions which are within the scope of patent monopoly act as limits on the doctrine of exhaustion of right in the sold goods. Article has also suggested rethinking of the nomenclature of doctrine of exhaustion as contained in Article 6 of the TRIPS Agreement.

'Pre- and Post- Geographical Indications Registration Measures for Handicrafts in India',⁸⁹ has provided an overview of the current status of registered GIs and their classification with respect to handicrafts and their region-wise registrations.

'Waiver Solution in Public Health and Pharmaceutical Domain under TRIPS Agreement',⁹⁰ has examined the challenges faced by countries while issuing compulsory licensing. It has also discussed the waiver decision with regard to Article 31(f) and 31 (h) of TRIPS Agreement.

'North-South Agreements on Trade and Intellectual Property beyond TRIPS: An Analysis of US Bilateral Agreements in Comparative Perspective',⁹¹ has thoroughly discussed, laying out both qualitative and quantitative information of, the extent of IP protection reached by industrial property related sections of US bilateral trade agreements (TAs) agreed during 2000 decade.

'Rebirth of Opt-in System in Copyright: Analysis in the Light of 'Google Books' Controversy',⁹² has discussed the copyright controversy in the Google Books litigation and has critically examined the protection regime in copyright law and the philosophy of protection given to any author over his/her original creation bearing a potential impact over the fair use doctrine in copyright law.

'Assessing the Role of Ayurvedic 'Bhasms' as Ethno-nanomedicine in the Metal Based Nanomedicine Patent Regime',⁹³ has discussed various facets patent regime of metal-based contemporary nanomedicine, with focus on Ayurvedic 'Bhasms' (alternative traditional medicine) used for various disease treatments.

'The Role of Europe in the Development of Related Rights Laws',⁹⁴ has discussed related rights.

'Nair M D, TRIPS, WTO and IPR: Biodiversity Protection – A Critical Issue',⁹⁵ has discussed some of the critical issues of biodiversity protection.

Most number of articles (17) in this Volume covered the area of IP and Agriculture addressing the issues in the areas of plant variety, farmers' rights ad UPOV, followed by Patents Law (12), TRIPS, WTO and IPR/CBD (7), Copyright (6), Collective Marks and Geographical Indications (3), EU IP Developments (2), and 1 article each on Celebrity Rights, Broadcast(ing), Nanotechnology, Internet Service Provider's Liability, Competition-IP Dichotomy, Trade Secret. Some of the articles can easily be put under the heads 'Patents' or 'Copyright', but considering the nature of the article and arguments, the same have been put under separate heads for the convenience of the readers.

JIPR in the Year 2012

A total of fifty-six (56) articles were published in total six issues of volume 17 of *JIPR*. In this Volume, the foreign scholars contributed most of the articles. Out of total nine (9) articles published in Issue 17 (1), 7 articles were contributed by foreign scholars and similarly 4 out of 8 in Issue 17 (2), 6 out of 8 in Issue 17 (3), 2 out of 7 in Issue 17 (4), 6 out of 16 in Issue 17 (5) and 6 out of 8 in Issue 17 (6).

A total of thirty two foreign authors from fourteen countries contributed their thirty one articles (22 sole authored and 9 co-authored) in *JIPR*, namely: Adejoke Oyewunmi (Nigeria); Ahad Gholizadesh Manghutay (Iran); Arul George Scaria (Belgium); Byungun Yoon and Sungjoo Lee (South Korea); Cheng-Rong Hwang and Rain Chen (Taiwan); Chiara

Mazzocchi and Guido Sali (Italy); Cristina Gomes De Souza, Lucia Regina Rangel de Moraes Valente Fernandes and Bruno Dutton Ramos (Brazil); Daehwan Koo, Dong Sik Jang, Sang Sung Park, Tae-Kyu Ryu, Yoo-Jin Han and Sunghae Jun (Korea); Wei-na Gao, Wenqi Liu, Lei Zhang, Lili Zhao, Yang Yu and Zhongfa Ma (China); Hankie Uluko (Malawi); Pamela Andanda (South Africa); George Mandewo (Zimbabwe); Jon M Garon, Manu S Nair, Robert H Meyer and Deli Yang (USA) 7; and Trevor Cook (UK) 6. Of these, Deli Yang from USA contributed 7 articles in this Volume and Trevor Cook contributed 6 articles.

Most number of foreign authors who contributed their articles to this volume are from Korea and China (four authors each). No article by any Indian scholar in co-authorship with foreign scholar was published in this Issue. All the articles in every issue were published in an order.

'Patent System Measurements: Review, Critique and Proposal',⁹⁶ has reviewed the the existing literature on means of patent system measurement across countries and has proposed an integrated framework to advance this under-studied area by considering the impact of international organizations.

'Changes and Challenges in Using the Formality Examination for Utility Models in Taiwan',⁹⁷ has explored the change to the utility model formality examination system. Article has also discussed the challenges faced by the Taiwan Intellectual Property Office (TIPO) with this new system which has been applied by most advanced countries.

'Impact of the 'Tomato Garden' Software Internet Piracy Case on Combating Copyright Infringement in China',⁹⁸ has discussed the relating to criminal liability of copyright infringement which have significantly influenced the legal system of combating copyright infringement in China.

'Applicability of Patent Information in Technological Forecasting: A Sector-specific Approach',⁹⁹ has identified relevant industries where patent information can be effectively utilized to scrutinize the trends and effects of technological activities.

'Models for Collective Management of Copyright from an International Perspective: Potential Changes for Enhancing Performance',¹⁰⁰ has discussed different models under which Collective Management Organizations operate. It has also analysed the strengths, weaknesses, and conditions feasible for the CMO framework.

'Intellectual Property Rights and the Handloom Sector: Challenges in Implementation of

Geographical Indications Act',¹⁰¹ has examined the the key challenges involved in the implementation of GIs and has argued for strengthening of linkages between stakeholders at all levels to foster trust and facilitate access to market.

Technology Management Strategies and Small and Medium Enterprises of Punjab Manufacturing: A Use-based Sector Analysis',¹⁰² has explored the factors that influence the growth, performance, and development of IPR attitude of small and medium-sized enterprises in the manufacturing sector of Punjab.

Stem Cell Patenting in the European Union',¹⁰³ has discussed stem cell patenting in EU to expand knowledge of and to explain something of European IP laws.

Compulsory Licensing: For Better or For Worse, the Done Deal Lies in the Balance',¹⁰⁴ has discussed the main issues of compulsory licensing grants for national emergency, non-working, anti-competitive practice, non-commercial use and relevant international issues.

Indicator for Evaluating National Patent Performance: Comparative Analysis among the 30 OECD Countries',¹⁰⁵ has proposed a comprehensive patent performance indicator to provide a yardstick by which government policymakers can evaluate the whole process of converting patents into economic assets.

Comparative Analysis of Copyright Protection of Databases: The Path to Follow',¹⁰⁶ has discussed around suggesting guidelines which may be used to develop a new law taking into account the private and public interests and keeping in mind the primary objective of the IP regime to promote creativity and innovation, and to maintain a vigorous public domain.

Strengthening the Patent Regime: Benefits for Developing Countries - A Survey',¹⁰⁷ has argued that though patent protection has been made exogenous to economy, the impact of the same is still dependent upon the relative financial realities of an individual economy.

An Overview of Geographical Indications in Brazil',¹⁰⁸ has presented an overview of the geographical indications in Brazil, including aspects of legislation, actions being implemented, and the potential of the country to protect GIs.

Technology Transfer from Higher Technical Institutions to the Industry in India - A Case study of IIT Bombay',¹⁰⁹ has investigated on how Indian technical institutions manage technology transfer by

presenting a case study of an Indian higher technical institution to show how to develop effective technology transfer process to transfer technologies to industry.

Insurance Patents: Indian Scenario',¹¹⁰ has explored various forms of IP, with special emphasis on patents, which can be used to protect insurance methods and products.

Online Intermediary Liability in the European Union'¹¹¹ has discussed the status of online intermediaries for the infringement of IPRs in EU which is being considered by the European Court of Justice.

Software Protection: Copyrightability v Patentability?',¹¹² has traced the history of software protection to examine its protective evolution.

Trial to Confirm the Scope of a Patent in Korea',¹¹³ has discussed that in order to secure consistency and enhance the lawsuit economy in these trials, it is necessary to regard the trials (as in Korea) as legitimate regardless of whether they are active or passive trials.

Is there a Need to 'Substantially Modify' the Terms of the TRIPS Agreement?',¹¹⁴ has discussed major fields where a substantial modification of the TRIPS is being debated and has suggested that in light of the recent decisions of the TRIPS Council, the special and differential treatment incorporated, the intrinsic flexibilities available, and the initiatives undertaken at Doha, 'substantial modification' is avoidable.

Analysis of Enforcement Mechanism of Section 337 of the US Tariff Act through Perspectives in Law and Economics',¹¹⁵ has provided distinct explanations on the enforcement mechanism of Section 337 of the Tariff Act of 1930 of the United States from three specific perspectives in the domain of law and economics.

Classification of Geographical Indications: A Proposal of Codification',¹¹⁶ has proposed classification categories, called *classifiers*, which associate a product with an identification code.

Protecting Geographical Indications in Malawi: Current Situation and Future Prospects',¹¹⁷ has examined the challenges and opportunities available for the protection of GIs in Malawi.

'Copyright World' and Access to Information: Conjoined via the Internet',¹¹⁸ has discussed the underpinning of the accessibility to information in the human right perspective, with a special mention of the current debate on accessibility of the Internet on the lines of concepts which constitute emerging access to knowledge coalition.

'Exceptions and Limitations in European Union Copyright Law',¹¹⁹ has discussed 'why the issue of exemption in copyright has become a particular problem in the EU, what sort of scope EU Member States have to amend their national laws in such circumstances, and where further flexibilities might develop in the case law as a result of the courts applying principles from outside copyright law, notably on the basis of fundamental human rights.'

'ColourMarkability: Registrable in Few Nations, but Debatable among Many!',¹²⁰ has focussed on some conceptual issues relevant to the colour mark itself, its origin with relevant exemplar cases and historical evolution. It has also covered the debates for or against colour mark registrations by drawing arguments and reasoning from scholars and practitioners.

*'Post-TRIPS Thrust Triggers for Indian Pharmaceuticals in the IP Context'*¹²¹ has covered the impact of the transition of Indian patent regime from pre-TRIPS to post TRIPS and the post-2005 product patent regime.

*'IP Protection of Software and Software Contracts in India: A Legal Quagmire!'*¹²² has examined the Indian law on legal protection of software and takes stock of the types of software contracts and the nature of licences that are generally entered into by the parties.

*'How IPRs, like Nature, Abhor a Vacuum, and What Can Happen When They Fill it - Lacunae and Overlaps in Intellectual Property'*¹²³ has discussed multiple overlapping IPRs with various examples.

'TRIPS and Access to Affordable Drugs',¹²⁴ has discussed the questions: 'Between the flexibilities available in TRIPS Agreement and the Doha Declaration on Public Health, can Member Countries through appropriate legislative and administrative measures, safeguard the interests of their poor populations? And Can governments in developing countries bring in appropriate legislations to ensure equitable access to medicines much like the Patient Protection and Affordable Care Act of Barack Obama approved by the US Congress in March 2010?'

'Marks and Brands: Conceptual, Operational and Methodological Comparisons',¹²⁵ has examined the similarities and differences of the two terms in conceptual, operational and methodological manners taking account of history and international dimensions.

'Overview of Changes to the Indian Copyright Law',¹²⁶ has discussed the Copyright (Amendment) Act, 2012¹²⁷ that has made Indian copyright law

compliant with the Internet Treaties, WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT).

*'Exhausting Copyrights and Promoting Access to Education: An Empirical Take'*¹²⁸ has argued in favour of retaining Section 2(m) of the Indian Copyright Act, 1957—that legal policy ought to favour free market competition, unless the evidence suggests that the gains from such competition are outweighed by the harm to the copyright owner and the growth of the indigenous publishing sector.

Special Issues 17 (5) (2012) on 'Leveraging IP for Business Advantage'

In this Special Issue, a total of sixteen (16) articles were published. Kalyan C Kankanala was the Guest Editor of this Issue.

*'Business Value from Intellectual Property'*¹²⁹ has argued that business advantage from IP is the outcome of putting together various best practices and vital steps in generation, protection and management of IP.

'Branding and Business Management: Leveraging Brand Names for Business Advantage',¹³⁰ has generalized the outlook of business units with respect to their intellectual properties, viz., patents, design rights, copyrights, trade secrets and trademarks.

*'Enhancing a Firm's Strategic Intellectual Property Management System – The Role of Patent Quality'*¹³¹ has reasoned the necessity for firms to emphasize on the technical quality of their IP (patents).

*'A Review and Analysis of a Selection of India's Innovation, Entrepreneurship, Knowledge Management and Technology Policy Literature'*¹³² has reviewed and analysed a selected literature sampling, shed light on the scope of the body of subject literature, and, identified reoccurring concerns and recommendations.

*'Taking an Independent Inventor's Inventions to the Market - Challenges and Issues'*¹³³ has explored the urgent need to revamp the approach taken by both private and public sector in the face of autonomous inventors in India, in favour of positive action to exploit their future potential. It has also elaborated on the patent due diligence process along with citing case studies to strengthen the argument for a change in approach taken both by and towards the independent inventor.

*'Alchemy and IPR – Monetizing Intellectual Property Rights'*¹³⁴ has examined how corporate strategy affects the IP strategy and the synchronization thereof, and various IP monetizing mechanisms that are becoming popular in recent years.

*'The Intellectual Property Audit'*¹³⁵ has dwelled on India specific IP audits, which are tad different from the audits in developed economies.

*'The Strategy of Commons'*¹³⁶ has provided an overview of the strategy of commons in the light of integration of open source and commons into various business activities.

*'Traditional Knowledge and Patent Strategy'*¹³⁷ has attempted to find a solution/strategy by way of which, a mean path can be constructed between the world of traditional knowledge and the world of patents.

*'Intellectual Property and the Business of Sports Management'*¹³⁸ has highlighted various species of IP associated with sports, their protection and various ways of their exploitation.

*'The Heart of the Deal: Intellectual Property Aspects in the Law and Business of Entertainment'*¹³⁹ has introduced the primary IP regimes necessary for the entertainment business and has illustrated how traditional contractual relations among the key industry participants have evolved in the digitalized global environment.

*'Character Merchandising'*¹⁴⁰ has highlighted the core legal issues in character merchandising with specific emphasis on personality or celebrity merchandising. It has also suggested a dispute resolution model that tries to balance the interest of not only the celebrities but also the copyright holders.

*'Does India Need Digital Rights Management Provisions or Better Digital Business Management Strategies?'*¹⁴¹ has argued that the need of the time is better digital business management strategies and a better enforcement of the rights already guaranteed under the copyright law, rather than adoption of new DRM provisions under the copyright law.

*'IP Strategy for Drug Discovery: A Dedicated Research Firm's Perspective'*¹⁴² has discussed how to approach the issue of designing an IP strategy from a dedicated research firm point of view.

*'Pharmaceutical Business Strategy: A Generics Perspective'*¹⁴³ has discussed the generic product entry routes in different US, Europe and Indian jurisdictions in the light of the nuances in legal provisions. It has also discussed some strategies employed by innovator companies in order to extend the commercial benefit over a drug even beyond the term of the patent or related exclusivity.

*'Drug Prices - How Much is too Much?'*¹⁴⁴ has shed a light on the market realities around drug pricing and the important role that a strong IP landscape plays in driving innovation, quality and sustained growth of healthcare economy.

This was second Special Issue and the last from this part of the decade.

*'Open Source Software Paradigm and Intellectual Property Rights'*¹⁴⁵ has discussed how IP impacts on the OSS model and how OSS uses IP in a novel way to achieve its ends.

*'Technology Protection Measures and the Indian Copyright (Amendment) Act, 2012: A Comment'*¹⁴⁶ has analyzed the extent of protection that technological measures enjoy under the Indian Copyright Act, 1957 and their shortcomings; and to what extent these are overcome by the Copyright (Amendment) Act, 2012, *vis-à-vis* US, EU and Australian laws, keeping in view broader public interest.

*'Information Disclosure Mechanism for Technological Protection Measures in China'*¹⁴⁷ has argued that it is necessary to establish an information disclosure mechanism for technological protection measures and make the labeling obligation with regard to technological protection measures by copyright owners apparent and warning to security risks obligatory by legislation.

*'Patent Management for Technology Forecasting: A Case Study of the Bio-Industry'*¹⁴⁸ has proposed a technology forecasting method based on various data mining techniques for analysing patents and a patent management approach using the result of technology forecasting.

*'Striking a Balance between Intellectual Property Protection of Traditional Knowledge, Cultural Preservation and Access to Knowledge'*¹⁴⁹ has highlighted the main challenges that are involved in striking the balance, and has analyzed the main suggestions from the World Intellectual Property Organization, Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC) are analysed with a view to proposing directions that can help improve the manner in which TK is protected through IP.

*'The Berne Convention and the Iranian Law: Negative Implications of the Differences in the Scope of Application'*¹⁵⁰ has compared Article 3 of the Berne Convention for the Protection of Literary and Artistic Works, 1886 with the corresponding Iranian provision.

*'Has an Agreement been Reached on a Unitary Patent and a Unified Patent Court for Europe, and if so, what is it?'*¹⁵¹ has discussed the agreement reached out by the EU Member States during the June 2012

European Council. It has also discussed the hurdles which remain to be overcome before the new system is up and running.

*'Patent Trolls: Legit Enforcers or Harrassers?'*¹⁵² has discussed some conceptual issues surrounding 'patent trolls', and its origin referring to relevant cases. It has also laid out the arguments for or against patent trolling.

Most number of articles in this Volume covered the areas of Patent Law (12 articles); 8 articles on Copyright; 7 articles on IPRs; 4 articles on Geographical Indications; 3 articles on TRIPS and Software protection; and 1 article each covered the areas of Utility Model, Technology Management Strategies, Technology Transfer, Insurance Patent, Online Intermediary Liability, Enforcement Mechanism, Colour Markability, Marks, Business Management, Patent Quality, Technology Policy, IP Audit, IP and Sports Management, Traditional Knowledge, Character Merchandizing, Digital Rights,; Information Disclosure and Berne Convention.

JIPR in the Year 2013

A total of fifty-eight (58) articles were published in total six issues of Volume 18 of *JIPR*. In this Volume, a total of thirty-four (34) articles were contributed by foreign scholars of which 19 (19) were single authored articles and fifteen (15) were co-authored articles. A total of forty-six (46) foreign authors from fifteen (15) countries contributed their articles to this Volume, namely: Wenqi Liu, Zheng Gu, Ma Zhongfa, He Huaiwen, Wei Li, Xue-Kao Xie, Xuefeng Liu, Li Qinghai, Wu Sizong, Shouming Chen, Ji Junzhe, Wei Shen, Handong Wu, Haohui Qu, Wang Jinjin, Peng Xiaobao, Song Wei, Zhang Xuehe, Song Xiaoyan, Yao Yuan and Yinliang Liu (China); Fa-Chnag Cheng, Chih Cheng Lo, Shih-yun Lu, Wei Her Hsieh, Tien-Yuan Cheng, Ming-Tzong Wang, Rain Chen, Hsien-Tsung Kuo, Ming-Hong Wang (Taiwan); PardisMoslemzadeh Tehrani, Nazura Abdul Manap, and Siti NaaishahHambali (Malaysia); Trevor Cook (UK); Aditya Kant (Germany); Rachel de Paiva Bucasio, Elizabeth Ferreira da Silva, Iolanda M Fierro and Patricia P Peralta (Brazil); Mikael Collan and KaleviKyläheiko (Finland); Nenad Gavrilovic (Macedonia); Ravinder Jain and Michel Rod (Canada); A G Matveer (Russia); R Neethu (Munich); Zahra Shakeri (Iran); Marlena Piekut (Poland); Abdul Sattar, Tahir Mehmood, Wasim Shahid Malik, Qazi Abdul Subhan (Pakistan); and Georgios I Zekos (Greece). One article was a joint publication of a scholar from

Munich and another one from Iran. One article was co-authored by 6 authors from China in this Volume, and another one by 4 authors from Pakistan. Chih Cheng Lo from Taiwan, PardisMoslemzadeh Tehrani and Nazura Abdul Manap from Malaysia and Aditya Kant from Germany authored two articles each. Trevor Cook from UK authored six articles in this Volume. Most number of foreign authors who contributed their articles to this Volume are from China (twenty-one authors). No article by any Indian scholar in co-authorship with foreign scholar was published in this Issue. The articles published in Issues (1), (2), (3), (4) and (6) are not mentioned in order.

'The Sheer 'Film' of Protection - An Exercise in Exhaustion',¹⁵³ has attempted to critically analyse the legal protection accorded to cinematographic films in the light of a conceptual understanding of principle of exhaustion of rights, an examination of the dictum of the Court and an appraisal of the Copyright (Amendment) Act, 2012. In this regard, article has also taken into account a holistic understanding of the Indian law in contradistinction with the laws of the US, UK and Europe on the subject matter.

*'Local Working of Patents - Law and Implementation in India'*¹⁵⁴ has argued that though there are favourable conditions for investment, patents are not worked in India on a commercial scale.

*'Delineating the Scope of Protection for Technological Protection Measures in an Equitable Way: Approaches of US & EU - A Frame of Reference for China's Legislation'*¹⁵⁵ has argued for developing an equitable system to achieve the comprehensive objectives of protecting copyright, increasing consumer welfare, promoting information dissemination, and encouraging fair competition.

*'Legal Protection of Intellectual Property: The Changing Attitude of US and its Influence on Taiwan'*¹⁵⁶ has discussed the Taiwan IP Management System that emphasize the importance of self-governance.

*'Reconsideration of the Essence of a Patent and the Missions of Patent Institution: Low Rate of Patented Technology Commercialization in China'*¹⁵⁷ has argued that 'in order to create favorable environment for improving patent quality and increasing technology commercialization rate, on the basis of the common recognition, China shall improve its patent legal system to respect the market-oriented rules which are the decisive factors for an inventor to apply for patents, and adjust the current patent funding policies to contain the activities of blind patent applications.'

*Patent Enforcement Strategies in the United States: An Integrative Framework*¹⁵⁸ has attempted to develop theories concerning the theoretical evolution of strategic management in patent enforcement from a firms' strategic international context.

*Amendment to Claims of Granted Patent under Chinese Patent Law*¹⁵⁹ has discussed the Supreme People's Court of PR China's decision in *Patent Reexamination Board (PRB) v Jiangsu Xiansheng Pharm Co Ltd.*¹⁶⁰ Article has argued that PRB should be required to do comprehensive examination in light of the whole patent regime to determine whether claims amended in invalidation proceedings meet all the statutory requirements for granting a patent.

*Urgency and Benefits of Protecting Iranian Carpets using Geographical Indications*¹⁶¹ has analysed the effectiveness and sufficiency of current mechanisms in Iran to protect their carpet industry and the best way to improve current situation. Article has argued that the geographical indication of Iranian handmade carpets that is left semi-protected should be protected through a more acceptable agreement such as the TRIPS Agreement to suit the needs of such products.

*The Cumulative Protection of Designs in the European Union and the Role in such Protection of Copyright*¹⁶² has discussed legislative changes (harmonising the term of protection for copyright works) made back in 1993, a decision of the CJEU in 2009 (as to the threshold of originality for copyright works generally), and another decision of the CJEU in 2011 (as to the consequences in practice of a requirement in EU designs legislation that there be cumulative protection as between copyright and designs).

*Global Public Health: Should the Trade Forum Reign?*¹⁶³ has addressed the issue whether the trade forum should be allowed to reign the terrain of public health and the responsibility of the WHO in ensuring universal access to medicine using international law.

*Patenting and R&D in Indian Pharmaceutical Industry: Post-TRIPS Scenario*¹⁶⁴ has discussed the impact of a restructured patent regime on the R&D expenditure and the patenting activity of Indian pharmaceutical companies.

*The Inevitable Connection between Intellectual Property and Competition Law: Emerging Jurisprudence and Lessons for India*¹⁶⁵ has addressed the nexus between IPR and competition law in general with a focus on India. Article has also argued that the present Indian Competition Act, 2002¹⁶⁶ (as amended in 2009).¹⁶⁷

*Pay 'n' Play: Public Performance of Sound Recordings vis-à-vis Copyright Infringement*¹⁶⁸ has discussed what qualifies as public performance for the purpose of securing a license and the incidents thereof arising out of such licence.

*Technology Development and Legislation Progress: Third Party Liabilities of Internet Service Providers in China Tort Law*¹⁶⁹ has discussed about historical transitions of third-party liabilities of Internet service provider in Tort Law and Copyright Law of China.

*A Study on Global Intellectual Property Right Governance: From the Perspective of Structure-Functionalism*¹⁷⁰ has proposed a method to create a technology/function matrix needed to execute a patent search without reading or analysing patents.

*A Relook at Inventors' Rights*¹⁷¹ has analysed whether administrative simplicity justifies protection of inventor rights under the current law.

*Minors' Rights under Intellectual Property Rights Laws: A Myth or Reality?*¹⁷² has argued that the contractual incapacity attached to the minor is detrimental to him as far as the exploitation and enforcement of his innovative, creative and intellectual talents are concerned.

*The Future of Copyright Protection in the European Union*¹⁷³ has discussed the degree to which harmonisation alone has not been able to achieve a single market in products and services that are the subject of copyright and related rights.

*Intellectual Property Regime and Developing Country Health Concerns*¹⁷⁴ has highlighted developing country experience shows that such incentives focus on the market demand rather than the need of the society and this is more conspicuous in the health-related innovation.

*Entertainment Network v Super Cassette Industries: Compulsory Licensing in the Copyright Demystified*¹⁷⁵ has discussed Supreme Court's decision in *Entertainment Network (India) Ltd v Super Cassette Industries Ltd*¹⁷⁶ referring to the law prevailing in other countries.

*'Efficacy' Factors under Section 3(d): A 'Law and Economics' Perspective*¹⁷⁷ has highlighted that the undefined status of 'efficacy' under Section 3(d) results in a lot of legal uncertainty due to the possibility of its misinterpretation and misapplication. It has analysed various aspects of 'efficacy' from the 'law & economics' perspective.

*Forward-Looking Valuation of Strategic Patent Portfolios Under Structural Uncertainty*¹⁷⁸ has

discussed forward-looking strategic patent portfolios and has presented some new ideas on how numerical valuation methods could be used in framing the valuation of these portfolios.

*'Exclusion of Diagnostic, Therapeutic and Surgical Methods from Patentability'*¹⁷⁹ has discussed the exclusion of diagnostic, therapeutic and surgical methods from patentability. It has argued that the benefits of enabling and exclusion clauses in the patent legislations should be balanced and constructed in such a manner as to protect the interests of the developed nations as well as to fulfill the needs and aspirations of the so called third world.

*'Intellectual Property Management: Assessing Stakeholder Knowledge Regarding Obtaining Valid Patent Rights'*¹⁸⁰ has assessed the basic knowledge of proper record keeping practices, ownership, and public disclosure among public and private sector organizations of various sizes across Canada in a variety of industries.

*'Reputation Building to Reduce Risk of IP Litigation and Infringement Allegation'*¹⁸¹ has explored why Chinese firms are easily subject to litigation and accusation of IP infringement, and how they can reduce these associated risks.

*'Protecting Traditional Knowledge in Siddha System of Medicine'*¹⁸² has discussed the Siddha System of Medicine (SSM), an ancient system that is practised in Tamil Nadu in South India and in other Tamil speaking regions of the world. Article has also argued that the People's Biodiversity Register (PBR) is an ideal solution to the issue of economic and knowledge losses due to biopiracy and lacuna in protecting the intellectual property in SSM and a 'well-documented PBR is an IP registry of a village/region and would facilitate in appropriate sharing of benefits acquired from exploitation of bio-resources of a region.'

*'European Union Trademark Law and its Proposed Revision'*¹⁸³ has discussed the existing EU legal framework which was first harmonized nationally throughout the EU in the 1990s highlighting the need of a revision following the European Commission's proposals for so doing.

*'TRIPS Agreement and Public Health: The Post Doha Crises'*¹⁸⁴ has in the light of the Doha Declaration on TRIPS Agreement and Public Health discussed that free trade agreements are made use of by developed countries to impose TRIPS plus obligations on developing countries.

*'An Attempt at Quantification of 'Efficacy' Factors under Section 3(d) of the Indian Patents Act'*¹⁸⁵ has attempted to develop a very simplistic theoretical model for helping patent authorities determine the patentability/patent-eligibility of a pharmaceutical invention.

*'The Impact of Patent Linkage on Marketing of Generic Drugs'*¹⁸⁶ has analyzed the consequences of adopting patent linkage through the experiences of other jurisdictions.

*'Gene Patents in India: Gauging Policy by an Analysis of the Grants made by the Indian Patent Office'*¹⁸⁷ has examined the claims of five different patents along with available file wrapper documents/prosecution history documents to gauge the IPO's practice in granting such patents.

*'Polarization of the European Union: Patent Activity and R&D Expenditure'*¹⁸⁸ has compared the number of patent applications to EPO and R&D expenditure in select countries between 1990 and 2011.

*'Interrelation of Intellectual Property Rights and Competitiveness: FDI inwards and FDI outwards'*¹⁸⁹ has discussed that IP and antitrust laws are complementary because both pursue a welfare objective.

*'John Doe Copyright Injunctions in India'*¹⁹⁰ has argued that 'resorting to John Doe orders in India is coming at an extremely disproportionate social cost. They far exceed their legitimate ambit due to their unscrupulous implementation, the primary victim of which has been the Internet.'

*'Copyright Regulation in Russia: Rejection of Classical Theories or Legislative Mistakes?'*¹⁹¹ has critically analysed the Russian Copyright Regulation from the perspective of its correlation with the international law standards and traditional copyright legal theories. Article has also argued that the Russian rights model to the integrity of the work does not comply with the Article 6bis of the Berne Convention for the Protection of Literary and Artistic Works.¹⁹²

*'Intellectual Creation in Database: A Superfluous Test?'*¹⁹³ has discussed originality requirements applicable to databases according to the Copyright Act 1987 and the ambiguities in the Copyright Act.

*'How Europe has learnt how to Deal with Exclusions from Patentability'*¹⁹⁴ has discussed the European patent law which has under a different legislative framework (one which unlike that in the USA specifically lists certain exclusions from patentability), has over time largely resolved the issues (non-patentable subject matter) so as to focus instead on the more familiar issues

of novelty and inventive step. This article discusses how this resolution has taken place in Europe and what conclusions can be drawn from this experience for other jurisdictions.

*'Impact of IP on Public Health: The Developed Country Scenario'*¹⁹⁵ has highlighted the issue of high drug prices that affect patient access to medicines and thereby universal healthcare coverage.

*'Revision of the European Union Regime on Customs Enforcement of Intellectual Property Rights'*¹⁹⁶ has reviewed the Regulation on Customs Enforcement of Intellectual Property Rights and compares it with the old while discussing the major controversy that was associated with the previous regime.

*'Alternative Incentive Models Delinking R&D Costs from Pharmaceutical Product Price'*¹⁹⁷ has argued for developing alternative incentive models delinking product price from the cost of R&D. It has also argued that an open access, collaborative research model, with prize fund incentive delinking costs of R&D from product price may be the appropriate incentive model for pharmaceutical R&D.

*'Weak IPRs as Impediments to Technology Transfer- Findings from Select Asian Countries'*¹⁹⁸ has examined the IPR regimes of China, India, Indonesia, Malaysia and Thailand with the aim of having a broad, objective overview of the state of IPRs in the Asian region.

*'Mapping Innovation Growth in the Sports Industry through Patent Data Mining'*¹⁹⁹ has discussed the importance of patent data mining as a tool for mapping innovation growth in the sports industry and the precursors affecting/promoting this growth.

*'Protecting Layout Designs on Printed Circuit Boards in China and Some Key Industrial Countries - New Regulatory Regime from a Law and Economics Perspective'*²⁰⁰ has examined the position in China and a number of leading industrial jurisdictions under the regimes of copyright, patent and design and has argued that there may be good grounds for conferring IP protection in the layout designs in printed circuit boards (PCBs), as a form of *sui generis* IP right.

*'Pharmaceutical Trademark Examination and its Implications for Self-medication: Parameters and Examples in Brazil'*²⁰¹ has discussed the importance of considering the International Non-Proprietary Names, the Brazilian Nonproprietary Names (DCBs in Portuguese) and their prefixes, 'stems' and suffixes when examining a sign that will identify a drug as recommended by the World Health Organization. It has also discussed some of their definitions, explained

trademarks' functions and registrability issues, and the need for creating a global system of nomenclature for pharmaceutical products.

*'Determinants and Valuation of Plant Variety Protection in India'*²⁰² has examined the trends in PVP in India and economic benefits accruing to the breeders.

*'Piracy in the Internet Age'*²⁰³ has discussed the issue related to boundary-less territories created by Internet. It has discussed that the Copyright Act, 1957 and the Information Technology Act, 2000²⁰⁴ though deal with certain facets of piracy, but they do not conclusively deal with this menace; and suggested for drafting and enforcing laws which will address the current problem considering the technological advancements that are likely to give rise to more of such complex issues.

*'The Copyright Law of China in Knowledge Revolution and Economic Globalization: Modernization, Internationalization and Localization: The Copyright Law of China in Knowledge Revolution and Economic Globalization: Modernization, Internationalization and Localization'*²⁰⁵ has studied the choice and process of China's copyright legislation and has also thoroughly discussed the third modification of China's Copyright Law.

*'Patenting, Licensing, Trade, Foreign Direct Investment and Economic Growth: A Panel Data Analysis of Middle and Low Income Countries'*²⁰⁶ has investigated the impact of different technology transfer channels on economic growth for a balanced panel of 28 middle and low income countries over a period of 1975–2010 through fixed effect methods.

*'Technical Standards and Patent Pools: Antecedents, Formation and Distinctions'*²⁰⁷ has discussed the question how do enterprises build an appropriate patent pool when technical standards are regarded as prerequisites and bases to establish them. In this regard, it has examined the technical standards and relative process implications of *de facto* standards and statutory standards.

*'The Tale of Viagra Patents: Comparative Studies of the Global Challenges in China and Other Countries'*²⁰⁸ has explored the reasons leading to extensive failure of the Viagra patents in many countries, especially in a time of enhanced global IP protection.

*'Strategic Dimensions of International Patent Litigation – The Experience of Taiwanese Firms in the US Legal Jurisdiction'*²⁰⁹ has assessed the characteristics and impact of patent disputes by

investigating cases of litigation between Taiwanese and US firms.

*Determining Design Patent Similarity Based on the Ordinary Observer Test*²¹⁰ has analyzed the public perception on whether products with similar appearance or external design would be deemed infringing through questionnaires.

*Using YouTube: Practical Consequences of the Approach Adopted by EU Copyright Law*²¹¹ has examined exceptions and limitations in EU copyright law, with regard to the feasibility of the system established by the InfoSoc Directive.

*My Religion: My 'Copy' 'Right'*²¹² has discussed the recent developments in society in the context of copyright laws which have far reaching implication in any given society by examining connections between religion, law and social recognition.

*Determining Consumer Preference and Willingness to Pay for GI Registered Bananas*²¹³ has chosen Dindigul and Ottanchatram blocks of Dindigul district in Tamil Nadu to conduct the sample study with a statistical sample size of 300. Article has suggested that most important factors for preference is quality, particularly high medicinal value and keeping quality of GI banana; and adoption of production practices to ensure the quality of GI banana is critically important for better price realization.

*The Progress to Date with the Unitary European Patent and the Unified Patent Court for Europe*²¹⁴ has discussed the political agreement in the European Council in June 2012 to establish a Unified Patent Court with jurisdiction not only over the new European patent with unitary effect but also, subject to transitional provisions, traditional European patents designating one or more EU member states.

*Global Governance for Facilitating Access to Medicines: Role of World Health Organization*²¹⁵ has discussed the clash between global health actors and the industry continues, occasionally affecting the WHO initiatives (Global Health R&D Treaty).

Most number of articles in this Volume covered the areas of Patent law (26); 11 articles on Copyright; 3 articles on IPRs; 2 articles each on the areas of IP and Competition, and Trademarks; and 1 article each on Geographical Indications, Investors' Rights, Minors' Rights, IP Litigation, Traditional Knowledge, TRIPS, IP and Database, EU IP, Technology Transfer, Layout Designs, Plant Variety and Piracy. Among the Indian Scholars, T G Agitha contributed 6 articles to this Volume.

JIPR in the Year 2014

A total of forty-seven (47) articles were published in total six issues of Volume 19 of *JIPR*. In this Volume, a total of twenty-six (26) articles were contributed by foreign scholars of which eighteen (18) were single authored and eight (8) were co-authored articles. A total of thirty-two (32) foreign authors from ten countries contributed their articles to this Volume, namely: Andreas Baltatzis, Shoshana Marvin, Zhao Lei, Brian Wm Higgins, Jay P Lessler, Thomas DJeitschko, Nanyun Zhang, Mark Pohl, David J Jefferson, Alex B Camacho, Cecilia L Chi-Ham, and Trevor Cook (USA); Seyed Kamran Bagheri, Elena Casprini, Piergiuseppe Pusceddu, and Cong Xu (Italy); Sung-Yun Shen, Su-Ping Tan, and Sheng-Hsien Lee (Taiwan); Christian Köster (Germany); Yang Yu, Ying Zhan, Chin-Lung Lin, Yu-Ting Chen, and Yuan-Kai Chiang (China); Sotiris Petridis and Georgios IZekos (Greece); Marlena Maria Jankowska (Poland); Nasiibah Ramli and ZinatulAshiqin Zainol (Malaysia); Sharifa Sayma Rahman (Bangladesh); and Daniel Opoku Acquah (Finland). Trevor Cook from USA authored six (6) articles in this Volume. One (1) article co-authored by four scholars include three from China and one from Taiwan. Most number of foreign authors who contributed their articles to this Volume are from USA (12 authors). No article by any Indian scholar in co-authorship with foreign scholar was published in this Issue. The articles published in Issue (1) are not mentioned in order.

*Patent Policies and Provisions Relating to Pharmaceuticals in India*²¹⁶ was the first article from this year. It has argued for the balanced patent law for providing affordable access to essential medicines to the masses.

*Recent Pharmaceutical Patent Decisions in the United States*²¹⁷ has highlighted the tensions between the US patent law in the light of the decision of Court of Appeals for the Federal Circuit and the Supreme Court of the United States.

*Beyond the US Borders: A Primary Analysis of Extraterritorial Application of US Patent Law*²¹⁸ has discussed extraterritorial infringement activities highlighting United States courts' tend to favour US plaintiffs over foreign defendants.

*Intellectual Property Paradoxes in Developing Countries: The Case of Software IP Protection in Iran*²¹⁹ has addressed the gaps in software IP protection in Iran.

'*Design Patents for Animated Images: Development Trends*',²²⁰ has analyzed the animated image patents and their anticipated development trends by screening 201 samples.

'*Pokkali Rice Production under Geographical Indication Protection: The Attitude of Farmers*',²²¹ has discussed the producer attitude towards the GI protection system.

'*The Proposal for a Directive on the Protection of Trade Secrets in EU Legislation*',²²² has outlined the proposal for harmonizing trade secrets at an EU level under a proposal for a Directive on the subject issued by the European Commission on 28 November 2013.

'*Standards-Essential Patents: A Prolegomena*',²²³ has discussed the strong disagreement over the very nature of a contractual FRAND commitment, and whether or not FRAND operates as a waiver for injunctive relief. Article has also discussed WTO's trade-based regime in providing long-term solutions to resolve issues concerning SEPs.

'*Landmark Pharma Patent Jurisprudence in India*',²²⁴ has discussed the judicial pronouncements on the interpretation of provisions the Patents Act, 1970 (as amended). Article has also discussed the areas which may require judicial intervention arising out of the ambiguities in the Act and Rules.

'*The Weakening of Pharmaceutical Method Patents: The Federal Circuit Addresses the 'FDA Conundrum'*',²²⁵ has discussed the 'FDA conundrum' in light of three cases decided by the Federal Circuit in the year 2012: *Momentav Amphastar*,²²⁶ *Astra Zenecav Apotex*,²²⁷ and *Bayer Schering Pharma AG v Lupin*.²²⁸

'*Oppositions against European Patents: Three Successful Examples of Oppositions Lodged by Indian Opponents*',²²⁹ has discussed three successful opposition proceedings before the European Patent Office (EPO).

'*Access to Medicines in Developing Countries and Free Trade Agreements: The Case of the US-DR-CAFTA with Focus on Costa Rica*',²³⁰ has analyzed the impact of the IP provisions of a free trade agreement, the US-DR-CAFTA, in the context of access to medicines in developing countries.

'*On the Challenges Facing Patent Pooling in Biotechnology*',²³¹ has surveyed some of the difficulties encountered in biotech when it comes to innovation and has also discussed the aspects that touch on the efficacy of patent pooling to overcome innovation barriers.

'*Reflections on Recent Developments of Statutory Public Interests in Patent-based Section 337*

Proceedings',²³² has discussed the issue of increased costs of collecting adequate information concerning statutory public interests after the amendments in 2011 and 2013 of the Rules of Practice and Procedure by the International Trade Commission (ITC). Article has also argued for a more equitable adjudication in terms of a better interests' balance by utilizing the interest-balanced approach.

'*Ghostwriting in Polish Copyright Law – A New Perspective Needed?*',²³³ has analyzed the ghostwriting contract from a Polish copyright law perspective.

'*The Court of Justice Recasts the EU Patent Term Extension System*',²³⁴ has discussed EU case law that have upset settled expectations.

'*The Rational Basis for FRANDly Courts Denying Injunctive Relief for SEPs Infringement*',²³⁵ has discussed the legal construct of patent injunctions from a comparative law perspective and has argued the rational basis for denial of an injunction for alleged infringement of SEPs is due to patent law's inability to construe the 'right to exclude' and its relationship with SEPs protected market since it is fraught with conceptual and inherent definitional fallacies of assessment of 'market power' that go beyond the pale of patent law and policy.

'*Technology Transfer and Commercialization – Innovative Model for Strengthening Research and Industry Linkages and Valuation through Public Private Partnership in Agriculture*',²³⁶ has presented three models of public-private partnerships by Brazil, Chile and USA involving unique approaches of valuing improved genetic material that helped enhance the overall value of the end product and also promoted effective public private partnerships for emulation by other emerging economies.

'*Intellectual Property Ownership Model in Academia: An Analysis*',²³⁷ has analyzed the models of IPR ownership in order to boost invention and innovation within Malaysian research universities.

'*Status and Prospects of IP Regime in India: Implications for Agricultural Education*',²³⁸ has analyzed the initiatives of Indian Council of Agricultural Research (ICAR) and other governmental and non-governmental agencies in the area of agri-education.

'*Comparative Analysis of Intellectual Property between China and the West: A Cultural Perspective*',²³⁹ has presented a new understanding of China's unique IP protection system through a comparative analysis of the various cultural elements in China and the West.

'*India's Options for Improving Affordable Access to Lifesaving Patented Medicines*',²⁴⁰ has discussed that Doha Declaration has not made affordable access

to lifesaving medicines on expected lines. The exemptions and legal provisions enshrined in the Patents Act, 1970 (such as compulsory license and regulatory exemptions) are also being denied and delayed through protracted litigations burdening the Indian pharma SME sector and the provisions of Section 107A(a) of the Patents Act, 1970 are also being ignored by the Indian judiciary. Article has also argued for desirability to look at and evaluate options available to India for improving and facilitating affordable access to lifesaving medicines within the Indian patent legal system.

'Patent Infringement by ANDA Filing',²⁴¹ has discussed US judges evaluate potential future infringement by generic pharmaceuticals "in case of a 'Paragraph (iv)' challenge of the Orange Book listed patents or a potential challenge to the patents envisaged on the Paragraph (iv) Declaration".

'Industrial Design in Different Jurisdictions: A Comparison of Laws',²⁴² has explained how IP laws protect design and has compared different design protection systems in the US, the EU, Australia and Japan.

'The New EU Guidelines on Technology Transfer Agreements',²⁴³ has covered the revision by the European Commission of its Guidelines on Technology Transfer Agreements, as well as the Block Exemption which accompanies it, granting a safe harbour from competition law challenge for certain such agreements.

'Innovations in Indian Drug and Pharmaceutical Industry: Have they Impacted Exports?',²⁴⁴ has examined the trends in exports, imports, R&D performance and patenting activities in regard of Indian drug and pharmaceutical industry for the period 2000-2012.

'Analysing the Pitfalls of Indian Patent Injunctions based on Fear of Infringement',²⁴⁵ has examined the emergence and implications of *quiatimet* injunctions in patent cases in India. Article has also discussed that India does not follow the principle of 'clearing the way' and the questionable quality of patents being issued by the overburdened Indian Patent Office, *quiatimet* actions may adversely impact innovation and public interest in India.

'Patent Trends in ICAR institutes - A Review',²⁴⁶ has highlighted the statistics to help identify and address patent protection matters and related issues.

'Problems of Enforcement of Patent Law in China and its Ongoing Fourth Amendment',²⁴⁷ has discussed the fourth amendment introduced by China to its Patent Law in November 2011.

'Internet Intermediary (ISP) Liability for Contributory Copyright Infringement in USA and India: Lack of Uniformity as a Trade Barrier',²⁴⁸ has discussed the issues related to infringement and fixing ISP liability in the boundary-'less' territories created by Internet. Article has compared the copyright laws of US and Indian jurisdictions in this regard.

'Comparative Issues on Copyright Protection for Films in the US and Greece',²⁴⁹ has discussed the legal protection of films in Greece and the USA. Article has also demonstrated the differences between the laws of these two jurisdictions by examining specific issues concerning the protection of films, such as protection of fictional characters and plots in filmic texts.

'Territoriality and Jurisdiction in EU IP Law',²⁵⁰ in view of the increasingly international trade, has discussed that the EU Court of Justice are ever more often called on to review how national courts should address questions of how the EU principles of jurisdiction apply to such national IPRs.

'Exploring Sovereign Immunity in Copyright Infringement: How India can Learn from the Global Experience',²⁵¹ has highlighted the unexplored area of governmental use of copyrighted works and has made an enquiry about this unexplored but important area of intellectual property law by adopting a comparative study of important jurisdictions.

'E - waste Recycling Technology Patents filed in India - An Analysis',²⁵² has discussed a number of technologies developed by Indian institutions like Council of Scientific and Industrial Research (CSIR), individuals belonging to different institutions of India and other foreign companies. Article has highlighted that despite its economic importance, research on e-waste recycling has never been seen as a priority and gets little respect within companies in India. It has also suggested that electronic brand companies in India are laggard rather than leaders in adopting new technologies and innovation on e-waste recycling.

'Need of Data Exclusivity: Impact on Access to Medicine',²⁵³ has analyzed how pharmaceutical companies are trying to retain the market exclusivity by enforcing data exclusivity and how it is affecting health issues in developing and least developed countries. Article has also highlighted the impact of data exclusivity on accessibility and affordability of life saving drugs along with discussing the stand of developing and least developed countries including India.

*'Denying Patentability of Scientific Theories',*²⁵⁴ has discussed whether pure science has become patentable as against scientific development even as legal reforms have tightened the standards for patentability narrowing it to reduce the scope of patent-eligible subject matter and to make patents harder to acquire (thus easier to invalidate) based on obviousness.

*'Impact of Awareness Programmes and Capacity Building in Farmers' Plant Variety Registration under the PPV & FR Act',*²⁵⁵ has argued that 'organization of a large number of capacity building programmes to both trainers and farmers in the agrobiodiversity rich regions is a very good strategy to attract more farmers/farming communities to file applications both for registration of farmers' varieties and the Genome Saviour Awards.'

*'The New European Commission and its Work Plan for EU Intellectual Property',*²⁵⁶ has discussed the major changes in the composition of European parliament and European Commission in the year 2014 highlighting the timely review of the Commission's recent and pending initiatives in the field of IP.

*'The Supreme Court Clarifies Indian Patent Invalidation Proceedings',*²⁵⁷ has discussed the Supreme Court's ruling in the area of patent procedure.

*'Mayo v Prometheus: The Eternal Conundrum of Patentability vs Patent-Eligibility',*²⁵⁸ has discussed the US Supreme Court's decision in *Mayo Collaborative Services v Prometheus Laboratories Inc.* It has talked about the judgment and its effects on the rulings of the Federal Circuit as well as District Courts, and its effect on medical claims.

*'Supplementary Protection Certificate Provisions for Pharmaceutical and Biotechnological Products in Europe: An Era after Medeva and Georgetown Decisions',*²⁵⁹ has discussed the ruling of Court of Justice for Europe on Article 3 of Regulation No 469/2009 which governs SPC provisions. Article has analyzed the rulings involving pharmaceutical products before and after the *Medeva*²⁶⁰ and *Georgetown*²⁶¹ cases and rulings.

*'Patent Insurance: A Roadmap',*²⁶² has underlined the necessity of patent insurance along with features which should be included in a patent insurance policy.

*'Towards a Balanced Regime of Intellectual Property Rights for Agricultural Innovations',*²⁶³ has clarified the misconceptions by comparing the most controversial provisions of UPOV 91 with its predecessor (The 1978 Convention — or, UPOV 78).

Article has drawn upon the example of public sector research institutions—especially the University of California, Davis—to demonstrate that the utilization of IP protections to incentivize agricultural innovation need not come at the expense of other socially beneficial goals.

*'Balancing or Lobbying? On Access to Medicines, Border Measures and the European Parliament's Amendments to the Proposed EU Trademark Rules',*²⁶⁴ has discussed the Border Measures Regulation that has caused major disruptions for generic medicines in transit at its borders in the past, and the Commission's recent proposal for changes to the EU trademark rules promises another layer of restraint on access. Article has argued that for the sake of certainty, the European Parliament's amendments are good law and should be maintained.

*'Business Strategies in Intellectual Property Rights: An Example of Patent Disputes Solutions in the Taiwan High-Tech Industry',*²⁶⁵ has used the Cobweb Theory as the time series model to take the procedural justice and substantive justice as the coordinate axis to explore how business managers present the constantly changing scenario of over production or shortage on the coordinate axis, under legal rationality and economic rationality.

*'Three Dimensional Trade Marks in the European Union',*²⁶⁶ has discussed the difficulties of three dimensional trademarks.

*'Patent Office Examination Guidelines for Pharmaceuticals Applications',*²⁶⁷ has discussed the Guidelines for Examination of Patent Applications in the Field of Pharmaceuticals issued by the Office of the Controller General of Patents, Designs and Trademarks.

In this Volume, most number of articles covered the area of patent law (25); four articles covered copyright law; two articles each covered the area of Technology Transfer, IP and Agriculture, and Jurisdiction and IP; and one article each on Software IP Protection, GI, Trade Secrets, Free Trade Agreements, FRAND, IP Ownership, IPRs, Design, Plant Variety, EU IP, Access to Medicines, and Trademarks. A total of thirty Indian scholars contributed their articles of which G G Nair and A Fernandes contributed three articles each, and K Nair, Yogesh Pai and Neeti Wilson contributed two their articles each.

Table 1 summarizes the data in a tabular form relating to the articles published in all the thirty issues of 5 volumes published between 2010 to 2014 of *JIPR*.

Table 1 — Research papers published in <i>JIPR</i> (2010–2014)									
Volume	Total issues	Total papers	Reprinted papers/ address/ reports	Foreign authors/ Country/ articles	Indian authors	Joint publications	Papers by soleauthor	Papers by Indian authors in co-authorship with foreign authors	Areas of IP covered (Number of papers)
15 (2010)	6	37	—	2/ China and USA and Iran; 1/ UK, Cuba, Germany, and Turkey; 7 articles/ 3 co-authored	30	13	24	—*	IPRs [FDI] (3); Innovation (1); Copyright (3); Patents [Nanotechnology/Patent Pool/Compulsory Licensing] (8); IP Case Law Development (2); TRIPS, WTO and IPR (6); Technological Competences (1); Traditional Knowledge (1); Geographical Indications (2); Access to Pharmaceuticals (1); Plant Variety (1); Trademarks (3); IP Audit (1); IPR Claims (1); Utility Models (1); Bioinformatics Databases (1); Ambush Marketing (1)
16 (2011)	6	53	—	4/ USA; 3/ UK, Iran, Taiwan, and Korea; 2/ Switzerland, China, Brazil and Finland; 1/ Chile and Nepal; 16 articles/ 6 co-authored	56	25	28	—	Celebrity Rights (1); Patents [Pharmaceutical/ Herbal/Valuation] (12); Copyright (6); Broadcast(ing) (1); Nanotechnology (1); TRIPS, WTO and IPR/CBD (7); Plant Variety/UPOV [IPR and Agriculture, Farmers' Right] (17); Internet Service Provider's Liability (1); Collective Marks and Geographical Indications (3); Competition-IP Dichotomy (1); Trade Secret (1); EU IP Developments (2)

(Contd.)

Table 1 — Research papers published in *JIPR* (2010–2014) (*Contd.*)

Volume	Total issues	Total papers	Reprinted papers/ address/ reports	Foreign authors/ Country/ articles	Indian authors	Joint publications	Papers by soleauthor	Papers by Indian authors in co-authorship with foreign authors	Areas of IP covered (Number of papers)
17 (2012)	6	56	—	6/ Korea and China; 4/ USA; 3/ Brazil; 2/ Taiwan and Italy; 1/ Nigeria, Iran, Belgium, South Korea, Malawi, South Africa, UK, and Zimbabwe; 31 articles/ 9 co-authored	40	23	33	—	Patents (12); Utility Model (1); Copyright (8); GI (4); Technology Management Strategies (1); Technology Transfer (1); Insurance Patent (1); Online Intermediary Liability (1); TRIPS (3); Enforcement Mechanism (1); ColourMarkability (1); Software [Contracts] (3); IPRs (7); Marks (1); Business Management (1); Patent Quality (1); Technology Policy (1); IP Audit (1); IP and Sports Management (1); Traditional Knowledge (1); Character Merchandizing (1); Digital Rights (1); Information Disclosure (1); Berne Convention (1)
18 (2013)	6	58	—	21/ China; 9/ Taiwan; 4/ Pakistan and Brazil; 3/ Malaysia; 2/ Finland and Canada; 1/ UK, Germany, Russia, Munich, Iran, Macedonia, Poland, and Greece; 34 articles/ 15 co-authored	30	25	33	—	Patent (26); Copyright (11); IPR (3); IP and Competition (2); Trademarks (2); GI (1); Investors' Rights (1); Minors' Rights (1); IP Litigation (1); Traditional Knowledge (1); TRIPS (1); IP and Database (1); EU IP (1); Technology Transfer (1); Layout Designs (1); Plant Variety (1); Piracy (1)

(*Contd.*)

Table 1 — Research papers published in <i>JIPR</i> (2010–2014) (<i>Contd.</i>)									
Volume	Total issues	Total papers	Reprinted papers/ address/ reports	Foreign authors/ Country/ articles	Indian authors	Joint publications	Papers by soleauthor	Papers by Indian authors in co-authorship with foreign authors	Areas of IP covered (Number of papers)
19 (2014)	6	47	—	12/ USA; 5/ China; 4/ Italy; 3/ Taiwan; 2/ Greece and Malaysia; 1/ Germany, Poland, Bangladesh, and Finland; 26 articles/ 8 co-authored	30	30	17	—	Patent [Pooling] (25); Software IP Protection (1); GI (1); Trade Secrets (1); Free Trade Agreements (1); Copyright (4); FRAND (1); Technology Transfer (2); IP Ownership (1); IP and Agriculture (2); IPRs (1); Design (1); Jurisdiction and IP (2); Plant Variety (1); EU IP (1); Access to Medicines (1); Trademarks (1)

**Em dash* (—) refers to zero (0) as no such article was published in any of the issues of the Volumes.

JIPR: Review of Last Issues of Volumes

In this decade, the head ‘Contents’ was followed in all the Volumes. The head ‘Literature Review’ was followed till Volume 17 (6). The heads ‘Literature Review’ and ‘IPR News’ were followed in Volumes 15, 16 and 17. The head ‘Book Review’ was followed in all the volumes except Volume 16 (6). ‘List of Referees’ was followed in only Volumes 15 and 16. ‘Annual Author Index’ was followed in all the volumes except a change in the name of the head used in Volume 18 (6) *i.e.*, ‘Annual Index 2013’. The head ‘Annual Keyword Index’ was followed throughout in all the volumes except Volume 18 (6).

Conclusion

In this decade the total number of articles published in *JIPR* are much higher than the number of articles published in the previous decades — constitute 37.24 (point two four) percent. Compared to the total number of Indian scholars who contributed their articles in this decade, the percentage of foreign scholars who contributed their articles is 44.14 (point one four). Out of total articles published in this decade, one hundred and forty-eight (148) were single authored articles and one hundred and three (103) were co-authored articles. A total of one hundred and

six (186) Indian scholars contributed their articles to all the issues of *JIPR* in this decade. A total of one hundred and forty-seven (147) foreign scholars contributed their one hundred and fourteen (114) articles to all the issues of *JIPR* in this decade which include seventy-three (73) single authored articles and forty-one (41) co-authored articles. In total, in this decade, *JIPR* has published 5 Volumes, 30 Issues, and 251 articles.

During the review of articles, it has been found that no article by any Indian scholar in co-authorship with any foreign scholar was published in any of the issues of any volumes of *JIPR* in this decade. No reprinted article has been found in this decade during the review.

In this decade, it seems that *JIPR* has covered the developments in the areas of IP — not only by covering the articles focusing or/and identifying the inefficiency in the existing statutory framework but also highlighting the areas yet to receive legislative or/and policy interventions. The nature of articles published in *JIPR* in the previous decades reveals that the journey of *JIPR* started with the focus on dissemination of IP knowledge and information in order to create awareness of IP and IP rights. But the review of articles published in the first decade of

twenty-first century reveals that the *JIPR* has moved far beyond this approach (when *JIPR* was started) and has moved towards creation of new knowledge. This decade has not only covered the IP developments in the country by considering the articles aiming to fill voids in the areas of IP but also published two special issues on two different themes giving opportunity to the Indian and foreign scholars to express their ideas— further giving reasons to the readers to develop on the existing writings, identify the untouched areas and fill them with their research works. Knowledge is a *publicijuris*, so it should be made easily accessible to the masses — through open-access platforms. Dissemination may result into awareness and further result into creativity. *JIPR* has also in this decade, for the first time, published a corrigendum⁶⁷ to correct the information related to an article published in the previous issue.

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