

END-NOTES

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3. *Who were the Shudras?*, by B R Ambedkar, BAWS Vol 7 pg. 114.
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8. *Speeches at ROUND TABLE CONFERENCE* by B R Ambedkar, Critical Quest, New Delhi © 2011 pg. 7.
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23. Acharyya, The History, 17.
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32. Article 2(1)(b) of Trademark Law Treaty, 1994 " this treaty shall not apply to hologram marks and to marks not consisting of visible signs, in particular , sound marks and olfactory marks."
33. Article 15 TRIPS Agreement, 1996.
34. Article 6bis-B Paris Convention, 1967.
35. Section 2(1) (zb), Trade Marks Act, 1999 " "trade mark" means a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colors"
36. Section 1(1), Trade Mark Act, 1994 "In this Act a "trade mark" means any sign capable of being represented graphically which is capable of distinguishing goods or services of one undertaking from those of other undertakings. A trade mark may, in particular, consist of

- words (including personal names), designs, letters, numerals or the shape of goods or their packaging.”
37. Section 3, Act on the Protection of Trade Marks and other Signs: “(1) All signs, particularly words including personal names, designs, letters, numerals, sound marks, three-dimensional designs, the shape of goods or of their packaging, as well as other wrapping, including colours and colour combinations, may be protected as trademarks if they are capable of distinguishing the goods or services of one enterprise from those of other enterprises.”
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46. “A trade mark consists of any sign capable of being represented graphically, particularly words, including personal names, designs, letters, numerals, the shape of goods or of their packaging, provided that such signs are capable of distinguishing the goods or services of one undertaking from those of other undertakings.”
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55. A sign is “anything which can convey information”, Mr. Justice Jacob in *Philips Electronics NV v Remington Consumer Products Ltd* [1998] *E.T.M.R.* 124 , p. 198.
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61. C-283/01 ECJ, November 27 2003
62. (251 F3d 56 (2d Cir 2001)
63. 1997 TTAB LEXIS 11 (TTAB 1997)
64. See - In re General Electric Broadcasting Co Inc, 199 USPQ 560 (TTAB 1978).
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66. Peter Ollier, *Yahoo Yodels into India’s TM Registry*, 183 ,*MANAGING INTELLECTUAL PROPERTY* 14 (2008)
67. WIPO Magazine, 2009. *Smell, Sound and Taste – Getting a Sense of Non-Traditional Marks*
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69. Decision No Ex-05-3 concerning electronic filing of sound marks- Rule 3(6) of the Commission Regulation (EC) 2868/95 of December 13 1995 as amended.
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72. See Romila Thapar, ‘Death and the Hero’, *Morality and Immorality: the anthropology and archaeology of death* (London: Academic Press, 1981).
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74. Faroghi, ‘Subjects of the Sultan’
75. Elias, ‘The Civilizing Process’.
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77. Douglas, ‘Purity and Danger’, 1966.
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80. Bynum, ‘Holy Feast and Holy Fast’, p.146, 1988.
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84. Balabanlilar, ‘Begum at the Mystic Feasts’, pp. 123-47, 2010.

85. Moss, 'The Gift: Forms and Function of State in Archaic Society', 1925.
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88. Foreign investment is a broader connotation and includes both direct and portfolio investment. Governments like the direct investment instead of portfolio investment as the direct investment is the main source of capital and technology transfer and also generates employment. Portfolio investment is not on preference. The foreign investment and FDI has been used interchangeably in this article.
89. India jumped 30 ranks to the 63rd position in the World Bank's Ease of Doing Business 2020 report.
90. India has reduced corporate tax to 25.27% and slashed it down to 17% for new manufacturers is most competitive in South East Asia.
91. The High Court of Delhi in Union of India vs. Vodafone, CS (OS) 383/2017 & I.A.No.9460/2017 on 7 May 2018 and the High Court of Delhi in Union of India vs. Khaitan Holdings (Mauritius) Ltd & Ors. CS (OS) 46/2019, I.As. 1235/2019 & 1238/2019 on 29 January 2019 passed judgement against government of India's plea for anti-suit injunction.
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96. Source: <https://www.worldometers.info/coronavirus/> (visited on 14 June 2020).
97. As per Asian Development Bank, the loss due to COVID – 19 is expected to exceed USD 4 trillion. Stock markets are working in uncertainty and unexpectedly. This is a general estimate and this may be more. This was the preliminary estimate when the world was hopeful for the vaccine in near future. When the COVID-19 cure is taking time and it is increasing day by day, this may cause more devastating effect on economy. UN chief Antonio Guterres in a press meeting has held that there is a likelihood of nearly 49 million more people to fall into extreme poverty.
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99. Pritesh Kamath, 21 April 2020, Available at: <https://www.republicworld.com/business-news/international-business/covid-19-china-india-coronavirus-exit-manufacturing-production.html> (visited on 27 April 2020).
100. The US president Trump thanks Modi and promised that India's decision to send Hydroxychloroquine to the US 'will not be forgotten'. The Prime Minister of Israel Netanyahu thanks PM Modi for delivering Hydroxychloroquine to Israel.
101. Japan announced 'Shift from China' policy and assured help of USD 2 billion for financially assisting its companies shifting production out of China. The Japanese PM has started advocating the world economic order without much dependency on the China.
102. The US president Trump has continued its onslaught on China. He has stated that the whole world is suffering due to COVID 19 because of China. The US president is continuously looking for termination of trade deals with China and exports from China and import in China would suffer because of this. It is expected that aftermath of COVID 19 it would not be easy for international firm to do business from China.
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108. Ibid.
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116. List of countries with whom we have terminated BITs is available at: <https://investmentpolicy.unctad.org/> (visited on 12 March 2020).
117. Canada has been in talks with India since 2004, however the Canadian official want certainty, stability and predictability, which require some deviation from the model BIT. China has expressed its interest in negotiating a BIT with India following the termination of its earlier treaty in July last year, however, seeking a number of concessions. BITs and joint interpretative statements are under discussion with countries such as Iran, Switzerland, Morocco, Kuwait, Ukraine, UAE, San Marino, Hong Kong, Israel, Mauritius, Oman, Australia and Iran. Except in case of Brazil India has been rigid with its assertive State-centric approach put in the new Model BIT of 2015.
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120. Jaivir Singh, Vatsala Shreeti, and Parnil Urdhwarsheshe, 'The Impact of Bilateral Investment Treaties on FDI Inflows into India: Some Empirical Results' Working Paper 391, Indian Council for Research on International Economic Relations, <http://icrier.org/publications/working-papers/> (visited on 10 June 2020).
121. For reference Spain has nationalise many a private hospitals and few other states has also expropriated the foreign investors for public good. Now in this situation, if the foreign investors claims compensation under the domestic law of Spain, they may not get the compensation as this was in the public interest. Therefore, foreign investors would always like the ISDS type mechanism where they trust to be an impartial award. Also, the domestic courts is considered a part of state under international laws and the actions of the state will be considered as the actions of the host state.
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142. Op cit. Tendulkar p 59.
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