



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 (2015–2019) — V

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This Paper seeks to review the articles published in the *Journal of Intellectual Property Rights (JIPR)* in the second half of the second decade of the twenty-first century from Volume 20 (1) (2015) to Volume 24 (6) (2019). This is the fifth paper on the theme '*JIPR in IPR Research*' and proceeds with the same method and arguments as adopted and developed in the previous four papers published on the theme. In this decade, a total of 144 articles were published including one Special Issue on the theme '*New Technologies, Climate Change and IPR*'. These 144 articles were published in 30 issues of 5 volumes. *JIPR* in this decade published 6 regular issues in Volumes 20 (2015) and 22 (2017). Whereas, the Issues 4 and 5 of Volume 21 (2016); Issues 2 and 3, and 4 and 5 of Volume 23 (2018); and Issues (1) and (2), (3) and (4), and (5) and (6) of Volume 24 (2019) were published jointly. Out of total articles published in *JIPR* till Volume 24, the number of articles published in this decade (144) constitutes 17.60 (point six zero) percent, and the contribution of this decade (2015–2019) is 19.27 (point two seven) percent.

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, IPRs, Treaties, Agreement, IPR Research, Review, IP Publications, PPV & FR Authority, Dissemination of Knowledge, Creation of New Knowledge, Twenty-first Century, Second Decade

This Paper is in continuation to the First 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 A sequel to the First Paper reviewed the articles published in the first half of the first decade of twenty-first century (2000–2004),² the third paper reviewed the articles published in the second half of the first decade of twenty-first century (2005–2009),³ and the fourth paper reviewed the articles published in the first half of the second decade of twenty-first century (2010–2014).⁴ This is the fifth paper in the series and seeks to review the articles published in the *Journal of Intellectual Property Rights (JIPR)* in the second half of the second decade of the twenty-first century (2015–2019). This Paper proceeds with the same arguments as developed in the First Paper and in the published sequels.

Articles in *JIPR*: Second Decade of the Twenty-first Century (2015–2019)

A total of one hundred and forty-four (144) articles were published in *JIPR* during this period. Most number of articles (38) were published in Volume 20 (2015) and the lowest number of articles (16) were published in Volume 24 (2019). A total of 34 articles were published in Volume 21 (2016), 30 articles in Volume 22 (2017) and 26 articles in Volume (18). One Special Issue on the theme '*New Technologies, Climate Change and IPR*' was published in Volume 23 (1) (2018) under the guest editorship of Padmavati Manchikanti. A total of 6 articles (3 co-authored and 3 single authored) were published in the Special Issue including 1 article of a foreign scholar.

JIPR in the Year 2015

A total of 38 articles were published in a total 6 Issues of Volume 20 of *JIPR*. Most number of articles (7 each) were published in the Issues (2) and (3). A total of 15 foreign scholars from 7 countries contributed their 10 articles to this Volume of *JIPR*,

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namely: Wang Xu-Kun, Zhao Qu, DingKun, Zhang Shanshan, Liu Xin, Yu Xiang, Huiying Zhang and Xiaohui Yang (China); OmotayoFatokun and Mohamed Azmi AHassali (Malaysia); Trevor Cook (USA); Shun-liang Hsu (Taiwan); Mohamed Izham M Ibrahim(Qatar); O K Saidin (Indonesia); and PawaritLertdhamtewe (Thailand). The total 10 articles by foreign scholars include 4 co-authored and 6 single authored articles. 1 article co-authored by two scholars from Malaysia and 1 from Qatar is also included in the total 6 co-authored articles.

Most number of foreign scholars who contributed their articles to this Volume are from China (total 8) followed by 2 from Malaysia and 1 each from USA, Taiwan, Qatar, Indonesia, and Thailand. The maximum number of articles from any foreign country is USA, all the 3 articles by Trevor Cook. The scholars from China contributed their 3 articles (all co-authored). A total of 46 Indian scholars contributed their articles to this Volume. The maximum number of articles authored by any Indian scholar to this Volume is 3 by Neeti Wilson. One article co-authored by 5 Indian scholars is also include in this Volume. The total published 38 articles in this Volume include 19 co-authored and 19 single authored articles. All the articles were published in an order in all the issues of this Volume. No article by any Indian scholar in co-authorship with foreign scholar was published in this Volume.

*'Providing Intellectual Property Protection to Farmers' Varieties in India under the Protection of Plant Varieties & Farmers' Rights Act, 2001'*⁵ is the first article from this decade. Article has argued that 'India being one of the centres of origin for many crop species of economic importance, it is appropriate to accord legal protection to the plant genetic resources subsisting in the farmers varieties to safeguard their conservation, use in breeding new varieties and appropriate benefit-sharing'.

*'Assessment of Current Trends in R&D of Chitin-Based Technologies in Agricultural Production-Consumption Systems using Patent Analytics'*⁶ has discussed the current trends in R&D of chitin-based technologies with applications in agricultural production.

*'Global Research on Medical Cotton – Evidence from Patent Landscape Study'*⁷ is an article co-authored by 5 Indian scholars. Article has analyzed the trend of inventions on medical cotton on the basis of patent documents retrieved from United States Patent

and Trademark Office (USPTO), European Patent Office (EPO), World Intellectual Property Organization (WIPO), Patent Abstracts of Japan (PAJ), IP India, and Free Patents Online(FPO).

*'The Jurisdictional Dilemma Surrounding the Intellectual Property Appellate Board'*⁸ has discussed the jurisdictional overlap between the Intellectual Property Appellate Board (IPAB) and the Registrar of Trade Marks or Controller of Patents in the light of the judicial decisions.

*'The Restricted Act of Making Available and Communication to the Public in the European Union'*⁹ is an article authored by a foreign scholar. Article has discussed the European Union Directive 2001/29/EC on the Copyright in the Information Society.

*'Guidelines for Access and Benefit Sharing for Utilization of Biological Resources based on Nagoya Protocol Effective'*¹⁰ has presented the Indian IP news. It has covered the Regulations issued by the National Biodiversity Authority under the Biological Diversity Act, 2002¹¹ related to access and commercialization of biological resources.

*'Intellectual Property Rights on Plant Varieties in India: A Sector-Wise Analysis'*¹² is a co-authored article. It has focussed on development in Indian agriculture with reference to IPR granted under the PPV&FR Act¹³ and has analyzed and determined the focus of public and private sector research and the trend of early filing for grant of IPR in both public and private sector.

*'To What Extent are Pharmaceutical Prices Determined by Patents? A Case Study of Oncology Medicines in Thailand'*¹⁴ has assessed the relative impact of patent status as a component of pharmaceutical prices while controlling other market and medicine characteristics on the retail prices of oncology medicines in Thailand.

*'Studies of Chinese Intellectual Property: Academic Basis and Development Idea'*¹⁵ has attempted to strengthen the discipline integration-differentiation consciousness, discipline convergence-integration consciousness and the research of discipline meta-question in order to promote the derivative development of a series of new disciplines of IP.

*'Strategies for Technical Assessment via Patent Analysis – A Case Study'*¹⁶ has discussed the current situation in the area of biological control of plant diseases and to gain understanding of where the future technology is moving.

*Intellectual Property and Transparency in Trade Negotiations: The Experience of Thailand*¹⁷ has explored the issue of transparency in this international norm-setting process.

*The Restricted Acts of Reproduction and Distribution in EU Copyright Law*¹⁸ has discussed the types of act restricted by copyright or related rights in works or other matter that are harmonised at European Union (EU) level.

*Speedy Patent Application Examination at the Indian Patent Office: Impact of Nitto Denko Corporation Case*¹⁹ has discussed the report submitted by the government appointed committee to examine the feasibility of expedited examination of a patent application and whether such expedited examination was envisaged in the current patent statute.

*Doctrine of Willful Patent Infringement: Evolution Under American Patent Law and Need of Further Research*²⁰ has analyzed the concept of willful patent infringement while considering feasibility of criminal remedy for it.

*PTE Provisions Relating to Pharmaceutical Products in Australia in Comparison with European SPC and USA PTE*²¹ is a co-authored article. It has reviewed the Australian Patent Term Extension (PTE) Law and its relationship with regulatory pathway for approving medicinal products describing the recent PTE cases involving pharmaceutical products and analysing how effective these PTE provisions are in Australia.

*Potential Challenges of 3D Printing Technology on Patent Enforcement and Considerations for Countermeasures in China*²² has discussed the development of 3D printing technology from the perspective of patent, and has analyzed specific challenges including the cognizance of patent infringement, the direct patent infringement, the indirect patent infringement and the patentability of Computer-Aided Design (CAD) files.

*Protection of Traditional Knowledge and Traditional Cultural Expressions in Bangladesh*²³ has argued for taking necessary steps by incorporating national legislations and by applying the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) to protect traditional knowledge and the traditional cultural expressions in Bangladesh.

Fair and Equitable Exceptions for Farming Practice in Plant IPR Protection in Taiwan Hsu, Shun-liang²⁴ has proposed the introduction of

mechanisms such as proportional reward to breeders/farmers of merit for innovative application of research results, discounted royalty payment for conduction of preliminary research, and broader exemption for negligence of the third party. It has argued that by means of such system reform in plant IPR protection, hopefully a better environment for plant breeding research and agricultural growing may be anticipated.

*Update on the Unitary Patent Court and the European Patent with Unitary Effect*²⁵ has covered the developments to new patent system in EU and has also discussed a case of the Court of Justice of the EU (dated 5 May 2015) where the Court rejected the legal challenges to one aspect of the new system.

*Indo-US IPR Conundrum*²⁶ has discussed the ‘stand off’ between US and India on India’s current IPR regime. It has argued that the ‘differences are relatively minor and even though India is in the Priority Watch List of Office of US Trade Representative (USTR), it is more of an internal alert system within US with no relevance to India or her position in the global trading community or the World Trade Organization(WTO)’.

*Interfaces and Synergies between Intellectual Property Rights and Consumer Protection Law in India: An Analysis*²⁷ has reviewed the interfaces between IPR and Consumer Protection regime in India. It has argued that proper operation of IP rights and their enforcement is very important for consumers, and it is the core of the IP system that people of the country must be protected from unfair competition, that is, from any act of dishonest practice in trade and business.

*Software Patent in India: A Comparative Judicial and Empirical Overview*²⁸ has discussed the issues related with software patent and various cases in US. It has also discussed the status of patent law and practice relating to computer related inventions India, Canada, and EPO.

*Characterizing Pharmaceuticals on Data Exclusivity in Malaysia*²⁹ has analyzed the occurrence and characteristics of pharmaceutical products containing new chemical entities granted data exclusivity in Malaysia since the implementation of the provision in 2011.

*Transplantation of Foreign Law into Indonesian Copyright Law: The Victory of Capitalism Ideology on Pancasila Ideology*³⁰ has discussed the journey of Indonesian copyright law and the ideological battle in

choosing the formulation policy of Indonesian Copyright Law.

*'Patent Portfolio Analysis of Hair/Scalp Cosmeceuticals'*³¹ has identified the patenting trend of calp health actives in a leave-on product.

*'Enforcement Directive and Harmonisation of Remedies for Intellectual Property Infringement in the EU'*³² has discussed the Directive 2004/48/EC on the enforcement of IPRs that harmonises various aspects of civil court procedure and remedies as applied to most types of IP in EU.

*'Compulsory Licensing of Drugs and Pharmaceuticals: Issues and Dilemma'*³³ is a co-authored article. It has discussed the need of compulsory license and how various countries are exploring this provision. Further it has also covered various issues related to compulsory license of drugs and pharmaceuticals along with the positive contribution of compulsory licensing in providing the access of the life-saving drugs whenever required by the public.

*'Status and Challenges of Intellectual Property Rights in Agriculture Innovation in India'*³⁴ is a co-authored article. It has attempted to analyse the overview and impact of IPRs on agricultural innovation in India, and has examined the patenting activity to identify current innovations in crop farming in India.

*'Exceptions and Limitation of Patent Rights and its Enforcement in India'*³⁵ is a co-authored article and has attempted to consolidate all the exceptions and evaluate the effects of these exceptions on the monopoly rights of a patent holder.

*'Study of Patents Filed in India in Mechanical Engineering Sector'*³⁶ is a co-authored article. It has attempted to identify the trends of patenting activity in mechanical engineering in India using data from value added databases. It has also addressed various trends and discussed the R&D partnership observed in Indian organizations and foreign organizations.

*'Reinventing Thailand's Plant Protection Regime'*³⁷ is an article by a foreign author. It has discussed Thailand's *sui generis* Plant Variety Protection law and has discussed the criticism that it has attracted.

*'Appropriate Patent Protection for Industries at Different Levels of Technology: Evidence from China'*³⁸ is a co-authored article by foreign authors. It has investigated the relationship between patent protection and economic growth from the perspective

of industry using a panel data of 37 industries with an aim to enrich IPR theories and provide some implications for policy making.

*'Gene Patenting vis-a-vis Notion of Patentability'*³⁹ is a co-authored article. It has argued that the present law is insufficient for extending the protection of patent to isolated genes, and thus a dire need of a *sui generis* protection is increasing.

*'Technology Commercialization through Licensing: Experiences and Lessons-A Case Study from Indian Horticulture Sector'*⁴⁰ has reviewed the experiences of technology transfer and commercialization processes in Brazil, China and Chile with reference to technology policy, patenting, technology transfer, and commercialization efforts and compares them with the efforts made by Indian agriculture. Article has further discussed the technology commercialization efforts put forth under the Indian conditions taking the case of a research institute under the horticulture sector.

*'Need for Government Intervention in Regulating Seed Sale Price and Trait Fee: A Case of Bt Cotton'*⁴¹ is a co-authored article. It has discussed the Seeds Bill 2004 which after 10 years of its first introduction in the Parliament has not been enacted. Article has aimed at finding the opinion of various stakeholders on three most contentious issues which have stalled the bill, viz., regulation of sale price of seed, regulation of trait/royalty fee and granting state governments the powers to regulate seed prices.

*'Effective Applicability of Sections 65A and 65B of Copyright (Amendment) Act, 2012 using Case Study of Digital Watermarks'*⁴² has discussed the scope and remedies for effective legal applicability of the 'Sections 65A and 65B of the Copyright (Amendment) Act 2012'⁴³ (*hereinafter*, Amendment Act of 2012) in the light of certain grey areas. But a review of the Amendment Act of 2012 reveals that there are only 39 sections in it. Sections 65A and 65B were added to the principal Act *i.e.*, the Copyright Act 1957,⁴⁴ by Section 37 of the Amendment Act of 2012.

*'Management of Intellectual Property and Technology Transfer by Public Funded Research Organizations in India: A Case of CSIR'*⁴⁵ is a co-authored article. It has analyzed the patents filed and technologies licensed by network of Indian laboratories under world's one of the largest Public Funded Research Organization (PFRO) and Council of Scientific & Industrial Research (CSIR).

*New Draft Patent (Amendment) Rules 2015 – Impact of Court Orders at the Indian Patent Office*⁴⁶ has discussed the draft Patent Amendment Rules proposed to expedite examination of patent applications and as directed by the courts and also several other procedural changes.

In this Volume, most number of articles (14) covered the areas of Patent Law, followed by 3 on EU Law and Copyright; 2 on the Protection of Plant Varieties & Farmers' Rights Act, 2001 (PPVFR Act); and 1 article each on Biological Resources, IPAB, Trade Negotiations, Chinese IP, Indo-US IP Conundrum, Fair and Equitable Exceptions, Traditional Knowledge(TK), Doctrine of Willful Patent Infringement, Data Exclusivity, Software Patent, IP and Consumer Protection, IP and Agriculture, Technology Transfer, Bt. Cotton, Technology Commercialization, and Gene Patenting.

***JIPR* in the Year 2016**

A total of 34 articles were published in a total 6 Issues of Volume 21 of *JIPR*. The Issues (5) and (6) were published jointly. Most number of articles (7 each) were published in the Issues (2) and (3). A total of 17 foreign scholars from 11 countries contributed their 12 articles to this Volume of *JIPR*, namely: Chia-Wei Jui, Amy J C Trappey, Chien-Chung Fu (Taiwan); Nazura AbdulManap, Rohimi BinShapiee, and Ahmad Azam bin Mohd. Shariff (Selangor); Claiton Emilio do Amaral and Fernando Antonio Forcellini (Brazil); Junghee Han and Hee Jung Lee (Korea); Apoorva Sharma (UAE); Joelle O Dountio (South Africa); Mostafa Bakhtiarvand (Iran); Alaeldin Abdallah Alkhasawneh (Jordan); H M Bortey (Ghana); F Mpanju (Zimbabwe); PardisMosemzadeh Tehrani (Malaysia); and Trevor Cook (USA). The total 12 articles by foreign scholars include 5 co-authored and 7 single authored articles. 2 articles co-authored by scholars from different countries are also published. Most number of foreign scholars who contributed their articles to this Volume are from Taiwan and Selangor (3 from each country). The maximum number of articles from any foreign country is USA, all the 3 articles by Trevor Cook. The scholars from Taiwan and Selangor contributed total 2 article (1 from each country and all are co-authored articles). A total of 37 Indian scholars contributed their articles to this Volume. No Indian scholar authored more than 1 article in this Volume. The total published 34 articles in this Volume include 16 co-

authored articles and 18 single authored articles. The articles published in Issue (3) were not archived in an order on the online repository of *JIPR*. No article by any Indian scholar in co-authorship with foreign scholar was published in this Volume. From this Volume, *JIPR* started publishing the articles on the online repository in a chronological order. Earlier it used to publish them in a reverse order and in some issues in a disorderly manner.

*Indian Perspective for Sustainable Development Agenda and Functional IPR and ABS Domains in Agriculture*⁴⁷ has argued that development of IPR and ABS compatible agro-business environment would eventually contribute towards achieving the sustainable development goals.

*Section 3(d): Implications and Key Concerns for Pharmaceutical Sector*⁴⁸ is a co-authored article and has discussed various issues and key concerns pertaining to impact of Section 3(d) of the Patents Act with special emphasis to its interpretation.

*Study on Patent Trust System in Korea*⁴⁹ is a co-authored article by foreign scholars. It has discussed the patent trust system and its contribution to vitalize intellectual property right minimizing unused patents.

*Impact of Granting Data Exclusivity in Agro-Chemical Sector*⁵⁰ has discussed the issue of General of Indian Pharmaceutical Alliance about proposed amendment in Pesticides (Amendment) Bill.

*Patent Database: Their Importance in Prior Art Documentation and Patent Search*⁵¹ is a co-authored article. It has described different types of patent databases available, their unique features, strengths, weakness, and their major purpose.

*New European Union Trade Mark Regime and the Institutionalisation Within it of the Co-existence of National and European Union Trade Mark Rights*⁵² is an article by a foreign author. Article has discussed the revision to the EU Trade Mark Regime that consist of a regulation amending the existing one on the Community Trade Mark, and a new Directive to replace the one that harmonises the trade mark laws of EU Member States. It has further discussed some of the changes effected by the new regime and has reviewed certain aspects of such co-existence providing examples from recent case law as to when registered trademarks at a national level can provide benefits as against those at an EU level.

*New Indian Seeds Bill: Stakeholders' Policy Advocacies to Enact*⁵³ is a co-authored article. It has discussed the Seeds Bill⁵⁴ which was introduced in the

parliament in 2004. It has identified the priorities of various stakeholders with respect to Indian seed legislation.

*'Demystifying the Indian FRAND Regime: The Interplay of Competition and Intellectual Property'*⁵⁵ has attempted to deconstruct the complexities of the Fair, Reasonable and Non-Discriminatory terms (FRAND) and evaluate its economic soundness. Article has also discussed the growing convergence of competition law and patent law in the light of judicial developments with particular emphasis on the competing jurisdictional claims.

*'Adoption of Plant Breeders' Rights System: Perceived Implication for Food, Seed Security and Sovereignty in Ghana'*⁵⁶ is a co-authored article by foreign scholars. Article has assessed the level of awareness and knowledge among major stakeholders in the relevant sectors of agriculture on the Plant Breeders' Rights Bill (PBR) of Ghana. It has further reviewed the potential implication of adopting the PBRs system on food and seed security in Ghana based on stakeholders' perception and case studies from other countries already implementing a PVP system.

*'Investor-State Dispute Settlement Mechanism and Intellectual Property Matters'*⁵⁷ is an article by a foreign scholar. Article has examined the effect of treating IP as an investment in the trade agreements and utilization of Investor State Dispute Settlement (ISDS) to resolve IP matters by analyzing the IPR cases.

*'Protecting R&D Inventions through Intellectual Property Rights'*⁵⁸ is a co-authored article by 4 authors from Selangor and 1 from Malaysia. It has elaborated on the need for IPRs for R&D investors and the issues to be addressed in developing an appropriate IPR framework. Further, it has analyzed the various issues involved in the IPR provisions of the Horizon 2020 European Union Framework Programme for Research and Innovation.

*'Computer Related Inventions (CRIs) revisited by Indian Patent Office – Finalizing the CRI Guidelines – Third Attempt'*⁵⁹ has discussed the changing stance of the Indian Patent Office on the patentability of Computer Related Inventions — further to the new guidelines issued by the Indian Patent office for examination of the applications for patents related to inventions in the area of computers and software.

*'Protecting Smell Marks: Breaking Conventionality'*⁶⁰ has analyzed the basic science of

how a 'smell' can be distinguished from another and thus qualifies as a subject matter of protection. It has also examined the development of law in regard to protection of smell mark in various jurisdictions.

*'The Indian Protection and Utilisation of Public Funded Intellectual Property Bill, 2008: Does it Secure Access to Medicines?'*⁶¹ is an article by a foreign scholar. It has examined the Protection and Utilisation of Public Funded Intellectual Property Bill, 2008 and its potential impact on access to medicines manufactured out of government-funded research, by analysing some of its main provisions.

*'Patents Protecting Biologics or Small Molecule Drugs are Litigated, not Others Awarded to Drug Discovery Companies'*⁶² is a co-authored article. Article has analyzed almost 4000 patents related to biologic or small molecule drugs or issued to companies working in this area to highlight distinct difference in the litigation rates of patents protecting each of the three sets of patents.

*'Intricacies of Software Protection: A Techno-Legal Review'*⁶³ is a co-authored article. It has reviewed the complexity of software and its protection in accordance with the available tools for IPR protection.

*'Legal Nature and Protection of Domain Names with Emphasis on Iranian Law'*⁶⁴ is an article by a foreign scholar. It has discussed the question whether domain names are property rights and therefore governed by property rules or contractual rights to which the general rules of contract law apply?

*'Knowledge Structure of IPR as Reflected by the Content Analysis of Papers Published in Journal of Intellectual Property Rights'*⁶⁵ has attempted to analyze the contents of papers published in *JIPR* between 1996–2014 to understand the knowledge structure in the field of IPR. It has classified the contents of all the titles into different subject fields related to IPR with the help of title or keywords or abstract of each paper. Article reveals that *JIPR* has covered almost all the areas of IPR as well as the contributions from all over world.

*'The Differing Protective Scope of Registered Trade Marks in Europe'*⁶⁶ is an article by a foreign scholar. Article has discussed the recent revision of the EU trademark regime that extended in certain limited respects the protection conferred by registered trademarks in Europe. Article has further: (i) discussed that such revision has not however changed the law as to the protective scope of such registered

trademarks, which has been developed over the years by the Court of Justice of the EU; and (ii) reviewed the history of such case law, including a recent decision of the Court of Justice which shows the broad potential protective scope of a registered EU trademark and in particular how it can benefit in an EU Member State.

*'Commercialisation and Biopiracy of Genetic Resources in the 21st Century: The Imminent Need for Stronger Regulation'*⁶⁷ has highlighted the problems associated with commercialization of genetic resources. Further, article has stressed the lack of interest by the international community to address issues of biopiracy that has created new forms of deficit causing the imbalance of sovereign powers between nations and bargaining powers between multinational companies and Indigenous communities.

*'Landscape Analysis of Patent Dataset'*⁶⁸ is a co-authored article. It has used the computational approaches to analyze the patent data set. Article has discussed extensive literature on existing approaches and has proposed a framework for a landscape analysis along with tools and techniques that can be suitably used for a complete technological growth and patent data.

*'Patent Development and Filing in Brazil: Application of Value Stream Mapping to Optimize the Patent generating Process of a Company'*⁶⁹ is a co-authored article by foreign scholars. Article has reported an analysis of the Patent Application Filing Process (PAFP) of the Brazilian subsidiary of a multinational company. It aimed to identify opportunities to improve the flow and the quality of information, as well as optimization of human and technological resources to reduce their cycle time.

*'Judima The Traditional Rice Wine of Dimasa Community of Assam: A Potential Candidate for GI Registration'*⁷⁰ has presented a case study of *Judima* as a potential GI and covered step by step procedure for GI registration, the hurdles which might pose in the process and how it could be overcome. Article has further examined the prospects of socio-economic upliftment of rural communities as a result of GI registration of their bio-cultural products.

*'Method of Claim-Based Technology Analysis for Strategic Innovation Management – Using TPP-Related Patents as Case Examples'*⁷¹ is a co-authored article by foreign scholars. Article has conducted an in-depth patent analysis case study on two photon

polymerization technology to demonstrate the generalized methodology working in practice.

*'Second Medical Use Patenting: A Review of Practices Across Different Jurisdictions'*⁷² has provided a review of the patentability of second medical uses in various jurisdictions and has also reviewed different types of claims that are granted by patent offices for second medical uses and the relevant legislations across different jurisdictions.

*'Copyright Issues in Legal Research and Writing'*⁷³ has analyzed the copyright issues involved in research and examines the ways by which the academic authors should protect themselves from the charges of copyright infringement and plagiarism.

*'Possession and Transfer of Copyrights of a Cinematograph Film'*⁷⁴ has analyzed the provisions relating to the ownership and assignment of copyright regarding a cinematograph film and in the context of changing mode of communication technologies how it tackled the problems emerged in ownership, assignment and license of copyright, the adequacy of these provisions in effectively protecting the rights of the author and performer & tries to balance the rights of the owner of copyright *vis-à-vis* public interest and also the role of judiciary in effectively protecting their rights.

*'Biodiversity Monitoring: A Pre-Condition to Access and Benefit Sharing under the Indian Biological Diversity Act, 2002'*⁷⁵ is a co-authored article. Article has attempted to analyze the need for biodiversity monitoring as part of the pre-Access and Benefit Sharing Guidelines mechanism in India. It has argued that an effective ABS implementation in India would be achieved only when it is linked with conservation objectives.

*'Reporters' Copyright in Verbatim Transcription and Audio Record of an Extempore Speech: Why the UK Act is more lenient than India's?'*⁷⁶ has comparatively analyzed the requirement of fixation of an extempore speech and the test of originality for its record in English and Indian copyright jurisprudence. It has highlighted how English copyright law is much more lenient than its Indian counterpart in providing copyright protection even for a minimal effort on part of the reporter.

*'The Legal System for the Protection of Geographical Indications: A Study in Jordanian and Comparative Law'*⁷⁷ is an article by a foreign scholar. Article has in detail discussed the right to Geographical Indications as emerging theme in the law under the Jordanian law.

*'What Should it Take to Be Well-Known? Fashioning An Evidence-For-Benefits Matrix For 'Well-Known Marks' Under Indian Trademark Law'*⁷⁸ has discussed the provisions of Indian statutes relating to protection of well-known marks and has highlighted the protection offered to Well-Known Marks (WKM) proprietors and compared these with selected international standards.

*'Climate Mitigation Technologies—Perspective Based on Patents'*⁷⁹ is a co-authored article. Article has, using patent data, attempted to find out the trends in the technologies relating to climate change mitigation.

*'Geographical Indication—The Factors of Rural Development and Strengthening Economy'*⁸⁰ has highlighted that 'GIs need to be inferred with wider horizon and stretching its grip to cover the product or process which are attributable to the geography, climatic conditions, locality of the origin which may bring value to a region not only in terms of jobs and higher income, but also for promoting the region as a whole'.

*"BREXIT" and Intellectual Property Protection in the UK and the EU*⁸¹ is an article by a foreign scholar. It has discussed the UK referendum vote of 23 June 2016 on "BREXIT".

In this Volume, most number of articles (9) covered the areas of Patent Law, followed by 3 on Trade Marks, Geographical Indications (GI) and Copyright; 2 on IPRs; and 1 article each on Data Exclusivity, Patent Trust System, IP and Agriculture, R&D Inventions, Dispute Settlement Mechanism, Plant Breeder's Rights, FRAND, Domain Names, Smell Marks, Software Protection, Knowledge Structure, Biopiracy, Biological Diversity Act, and BREXIT.

JIPR in the Year 2017

A total of 30 articles were published in a total 6 Issues of Volume 22 of *JIPR*. Most number of articles (7 each) were published in the Issues (2) and (3). A total of 11 foreign scholars from 6 countries contributed their 9 articles to this Volume of *JIPR*, namely: Firas Massadeh, Fayez Al-Nusair and Mohammad Alkrishesh (UAE); Rajkishore Nayak and Vivek V Nemane (Australia); Chang Han Ryu and Minsuk Suh (Korea); Mas Rahmah and Triyanto (Indonesia); Pankhuri Agarwal (Singapore); and Srikant V Joshi (Sweden). The total 9 articles by foreign scholars include 5 co-authored and 4 single

authored articles. Out of 9 articles, most number of articles are from Indonesia, Australia and UAE (2 each) and Firas Massadeh from UAE authored two articles (both co-authored). A total of 42 Indian scholars contributed their articles to this Volume. Omkar Umesh Joshi, Archana Roy, Manthan Janodia and Rekha Chaturvedi co-authored 2 articles. The total published 30 articles in this Volume include 19 co-authored articles and 11 single authored articles. All the articles were published in an order in all the issues of this Volume. A total of 3 articles by Indian authors in co-authorship with foreign scholars (from Australia and Sweden) were published in this Volume.

*'Impact of TPP on International, Regional and other Plurilateral IP Norm Setting'*⁸² has discussed the meaning of multilateral and plurilateral agreements and the reasons for the shift from former to the latter. Further, article has also analyzed the negatives and positives of plurilateral agreements along with a critical comparative analysis of the provisions of the TPP and TRIPS Agreements to illustrate how the plurilateral IP agreements may take away the flexibilities that TRIPS allows to its members considering the different stages of development they are in and thereby adversely impact public interest.

*'Comparative Quantitative Analysis of Supplementary Protection Certificates (SPCs) in Europe'*⁸³ is a co-authored article. Article has attempted to quantify and compare number of SPCs granted, filed, and invalidated in five important European Countries UK, France, Germany, Italy, and Spain. In this regard, the data is collected for those patents having expiry in between 1 January 1995 till 31 December 2025.

*'Compulsory v Voluntary Licensing: A Legitimate way to Enhance Access to Essential Medicines in Developing Countries'*⁸⁴ has argued that a threat of compulsory licensing encourages parties for entering into voluntary licensing and it is economical and an alternative option (not exclusive) for developing countries in providing essential medicines to poor people.

*'An Introduction to Intellectual Property Rights and their Importance in Indian Context'*⁸⁵ is a co-authored article by two Indian and one Australian scholars. Article has emphasized that the dissemination of IPR knowledge and its appropriate implementation is utmost requirement for any nation.

It has highlighted various IPR terms with their corresponding rules, regulations, their need and role especially pertaining to Indian context; and has discussed India's participation in IPR related activities across the world.

'*A Sequel to a Relatively Unusual and Complex Patent Situation*'⁸⁶ is a co-authored article. It has traced the sequel to the events in the UK covering the patented second medical indication of the drug, Pregabalin.

'*Managing Intellectual Property in Collaborative Way to Meet the Agricultural Challenges in India*'⁸⁷ is a co-authored article. Article has attempted to explain the concept of patent pool and clearing house and also a basic suggestive model for Indian National agricultural research system to facilitate the access to best technology options available with less risk of stalking licenses and much less R&D cost.

'*Strategies Used by Patentees to Delay Patent Disclosure in Literature Searches and Measures for Counteracting Them*'⁸⁸ is a co-authored article by foreign scholars. Article has investigated actual cases of strategies for delaying public disclosure of patents used by some companies when drafting patent documents, and has discussed possible measures for more efficient mining of patent literature and related institutional improvement to address this issue.

'*The T(i)PP(ing) Point for Pharma: Why having TRIPS+ patenting standards in the TPP is bad news for Developing Countries*'⁸⁹ has discussed the possible public health implications of TRIPS+ commitments found in the newly born Transpacific Trade Partnership, with a particular focus on developing countries. Article has argued that the departure from the normal TRIPS standards with respect to the question of 'what constitutes a patent' is harmful in the long run, not just because it creates an unnecessary burden on the ability of developing countries to produce generic versions of life saving drugs, but because it forces the developmental 'south' to adopt health standards which it cannot in practice uphold, and which, they may not necessarily even want.

'*A Critique of the Indian Patent Assignments Regime: Pre-Invention Assignments and Employee's Inventions*'⁹⁰ is a co-authored article. Article has argued for providing remedy to two identified defects in the Patents Act, 1970.⁹¹ In this regard, article has also analyzed *Darius Rutton Kavasmaneckv Gharda Chemicals Limited*⁹² and *Board of Trustees of the*

*Leland Stanford Junior University v Roche Molecular Systems, Inc.*⁹³

'*The Protection of Agricultural Products under Geographical Indication: An Alternative Tool for Agricultural Development in Indonesia*'⁹⁴ is an article by foreign scholar. Article has argued that GI protection may contribute to agricultural product diversities and productivity by enhancing production, processing and developing of unique local, niche and special agricultural products.

'*Comparative Advertising and the Consumer – Changing Dynamics*'⁹⁵ is a co-authored article. Article has discussed the law related to comparative advertising in India and the issues involved in comparative advertising and looks at more recent evolution of case law wherein courts have factored consumer interest in deciding cases of comparative advertisements.

'*Standard Essential Patents (SEP's) – Issues & Challenges in Developing Economies*'⁹⁶ is a co-authored article. Article has analyzed the concept of SEPs and related issues to mobile technology that are deliberated at various forums.

'*Patents, R&D Expenditure, Regulatory Filings and Exports in Indian Pharmaceutical Industry*'⁹⁷ is a co-authored article. Article has studied the impact of R&D expenditure, regulatory filings and patents granted on exports from Indian Pharmaceutical Industry.

'*Consumer Protection in the UAE: The Trademarks Act in Light of TRIPS Provisions*'⁹⁸ is a co-authored article by foreign scholars. Article has examined trademark protection and its impact on the consumer in United Arab Emirates IP legislation, entitled Federal Trademarks Act No.37 of 1992 which was amended according to Federal Act No.8 of 2002 in the light of provision within the TRIPS Agreement of 1994, Section (2), Article 15. Article has argued that there is an urgent need to amend the Federal Trademarks Law as it fails to balance the rights of trademark owners and those of the consumer, in favour of the owners.

'*Technology Commercialization in Advanced Materials Sector: Indian Context*'⁹⁹ is a co-authored article by 3 Indian and 1 Swedish scholars. Article has aimed at developing insights into the Technology Value Chain (TVC) of advanced materials-based technologies using a scenario in which technology has been transferred by a Research and Technology Organization (RTO) to a Small and Medium Enterprise (SME) in the Indian context.

*'Legal Dynamics of Intellectual Property Relating to Nuclear Innovations'*¹⁰⁰ is a co-authored article by an Indian and Australian scholar. Article has investigated constraints on atomic energy inventions *vis-à-vis* the 'national security filters' engrafted in the provisions of Indian Patents Act, 1970.

*'Unitary Patent Protection, Unified Patent Court, Supplementary Protection Certificate and Brexit'*¹⁰¹ is a co-authored article. Article has reviewed the advantage of UPP over European Patent system (EPS) and has also summarized the structure of Unified Patent Court.

*'Impact of Intellectual Property Rights on International Trade: Evidence from India'*¹⁰² is a co-authored article. It has analyzed the effect of IPR on Indian trade by employing Johansen's Co-integration test, Vector Error Correction Model (VECM) and Granger Causality approach. For analysis, article has used annual time series data on variables *viz.* trade, patents, copyrights, trademark for Indian economy, stemming from 1996-1997 to 2013-2014.

*'Commercialization and Renewal Aspects of Patent Management in Indian Pharmaceutical Industry'*¹⁰³ is a co-authored article. Article has discussed the dimensions of patent management in India. In this regard, article has studied random sample of 300 granted pharmaceutical patents for patent renewal and another sample of 300 patents selected through purposive sampling for patent commercialization from the population of granted pharmaceutical patents by the Indian Patent Office between 2005-06 and 2013-14.

*'Copyright Protection through Digital Rights Management in India: A Non-Essential Imposition'*¹⁰⁴ has critically examined the introduction of digital rights management in Indian Copyright Law in contrast to larger public interest.

*'IP Protection to Software: Conflict between Indian Provision and Practice'*¹⁰⁵ has discussed the provisions and practice relating to grant of protection to advancement in the field of information and technology in India. Article has also analyzed the practice of Indian Patent Office, from the data available, and explained the existing legal framework and jurisprudence in order to suggest solutions to the issue at hand. Article has argued for a tailor made and industry beneficial policy, keeping in mind the socio-economic condition of the state.

*'Impact of TRIPS on Providing Easy Access to Affordable Medicines in India'*¹⁰⁶ is a co-authored

article. Article has discussed the impact of TRIPS on the specific sections of the Indian Patents Act based on flexibilities provided by TRIPS to the developing countries. Further, it has also discussed the contribution of pharmaceutical industry, Indian Government, research-based multinational drug companies, medical professionals, drug research policy, drug production, drug pricing on access to medicines.

*'Educational Institutions and Copyright Laws'*¹⁰⁷ has discussed a judgment¹⁰⁸ of the Delhi High Court where the Court ruled that there is no bar in reproducing text books and other educational materials, used for the purposes of imparting education. Article has analyzed the judgment in the light of the rulings¹⁰⁹ of the Supreme Court of India (Supreme Court) to assert that the ruling of the Supreme Court does not support the view of the High Court.

*'Compulsory Licensing of Patented Drugs under National Emergency'*¹¹⁰ has discussed the apprehension among the patentees about the abuse of discretion by countries to define the term "national emergency" (after the Doha Declaration) to invoke compulsory license for accessing life-saving drugs. Article has in this regard conducted case studies to reach to the conclusion that these apprehensions are negative as countries exercise this discretion cautiously while invoking compulsory license.

*'Copyright Law Enforcement: An Indonesia Case Study'*¹¹¹ is an article by a foreign scholar. Article has analyzed the implementation of copyright law enforcement in Indonesia.

*'Effects of TRIPS Plus Provisions in International Trade Agreements upon Access to Medicines in Developing Countries'*¹¹² has examined the 'accessibility of essential medicines to the population in developing countries as affected by these Free Trade Agreements (FTAs), Anti-Counterfeiting Trade Agreement (ACTA), Trans-Pacific Partnership Agreement (TPP) and Transatlantic Trade and Investment Partnership Agreement (TTIP)'. Further, it has argued for the unity of the developing and least developed countries to deter US from choking the supply lines of the essential medicines to poor and needy.

*'Copyright Protection in the Digital Environment: Indian Perspective and International Obligations'*¹¹³ is a co-authored article. Article has deliberated about the Indian Copyright Act, various international

copyright treaties, limitations and exceptions provided by TRIPS and discussed the usefulness of various treaties available for the digital domain. Further, it has discussed the steps to control the misuse of copyrighted material.

*International Legal Obligation of the State with reference to Intellectual Property Rights (Patents) vis-à-vis Right to Health: The Indian Case Study*¹¹⁴ has explored the constitutional, legal and international provisions pertaining to right to health and patent laws in India. Article has *inter alia* discussed: (i) rulings of the Supreme Court relating to right to health, TRIPS provisions and its implementation; and (ii) existing situation and its interplay between human rights and pharma-patents.

*The Fair Trial Procedure for Intellectual Property in Light of TRIPS Provisions: An Analytical Study of Jordan and the UK*¹¹⁵ is a co-authored article by foreign scholars. Article has using doctrinal comparative and qualitative methods, analyzed the elements of a fair trial in the context of IP proceedings, comparing between procedural safeguards available in Jordan and the UK (especially England and Wales).

*Current Status and Challenges of Medical Device Innovations- Indian Perspective*¹¹⁶ is a co-authored article. Article has reviewed the need of diagnostic capacity building with robust regulatory regime to mitigate the challenges of accessibility in resource poor settings, import dependency, limited innovations with technological & funding constraints and skill set of experts.

In this Volume, most number of articles (13) covered the areas of Patent Law, followed by 4 on Copyright; 3 on TRIPS; 2 on IPRs; and 1 article each on TPP, SPCs, IP and Agriculture, GI, Trade Marks, IP and Nuclear Invention, IP and International Trade, and Software Protection.

***JIPR* in the Year 2018**

A total of 26 articles were published in a total 6 Issues of Volume 23 of *JIPR*. The Issues (2) and (3) were published jointly and also the Issues (4) and (5). Issue (1) of the Volume was published as a Special Issue on the theme '*New Technologies, Climate Change and IPR*' under the Guest Editorship of Padmavati Manchikanti. Most number of articles (7 each) were published in the Issues (2) and (3).

A total of 13 foreign scholars from 8 countries contributed their 8 articles to this Volume of *JIPR*,

namely: Miranda Risang Ayu Palar, Dadang Epi Sukarsa, and Ahmad M Ramli (Indonesia); Joseph A Klien, P M Rao, and Majoj Dalvi (USA); Cordelia Chinwe NwogboEgwu and ChijokeEgwu (Nigeria); Valeriy N Lisitsa (Russia); Naina Khanna (Netherlands); Kim Bouwer (UK); Mercedes Campi (Argentina); and Galamoyo Male (Botswana). The total 8 articles by foreign scholars include 3 co-authored and 5 single authored articles. Most number of foreign authors are from Indonesia and USA (3 from each country). In this Volume, the ratio of articles contributed by the reported foreign countries is 1:1. The single authored articles are of the scholars from UK, Russia, Netherlands, Argentina and Botswana. A total of 41 Indian scholars contributed their articles to this Volume. Archana Roy and Manthan Janodia contributed their 2 co-authored articles each. The total published 26 articles in this Volume include 17 co-authored articles and 9 single authored articles. All the articles were published in an order in all the issues of this Volume. No article by any Indian scholar in co-authorship with foreign scholar was published in this Volume.

The first issue of this Volume is a Special Issue on the theme 'New Technologies, Climate Change and IPR' with Padmavati Manchikanti as its Guest Editor.

*Insights for Climate Technology Transfer from International Environmental and Human Rights Law*¹¹⁷ is an article authored by a foreign scholar. It has challenged the notion of "transfer" of technology under the international climate change regime, in light of the recognition of a focus on needs and cooperative approaches in that context. Further, article has analyzed any unidirectional concepts behind the idea of transfer, building on the human right to science and the notion of fair and equitable benefit-sharing, which is a component thereof.

*Climate Change and the Patent Regime: Are Patents the Answer?*¹¹⁸ is a co-authored article. It has argued that patents are essential and rebut the presumption that patents will increase prices. Article has discussed the future of FRAND licensing to standardised clean energy technology, and explained with examples, how the holy trinity of patent pools, patent databases and compulsory licensing will help make the clean energy technology competitive and accessible.

*Climate Change and Technology Transfer: Tying the Knot through Human Rights*¹¹⁹ is a co-authored article. It has discussed the issues related to access to

technology from the human rights perspective in order to obligate State to address climate change crisis.

*'Ensuring longevity of Traditional Knowledge Associated with Biodiversity to Address Climate Change'*¹²⁰ has analyzed TK protection and India's commitment post the Nagoya Protocol.

*'Patenting in Renewable Energy Sector- An Analysis'*¹²¹ is a co-authored article. It has analyzed the patenting trends in renewable energy sector and renewable energy policy of the selected countries.

*'Grasping Climate Technology Transfer: A Brief Discussion on Indian Practice'*¹²² has argued for an effective implementation of the Paris Agreement and climate change action plans for strengthening India's position in international arena.

*'Competition and Consumer Privacy in the Cyberspace Market'*¹²³ is a co-authored article. It has examined the legal and marketing implications of certain internet technological developments that has impacted competition and consumer protection in the cyberspace.

*'Intellectual Property and Intellectual Rights: Issues of Correlation'*¹²⁴ is an article authored by a foreign scholar. Article has examined the legal nature of IP and intellectual rights as per international, Russian and Kazakhstani IP laws and also attempted to establish the differences between them.

*'The Securitization of IP Assets: Issues and Opportunities'*¹²⁵ is an article authored by a foreign scholar. It has discussed the concept of securitization and its specific application to IP. The status of IP asset securitization in USA and its (limited) application in India has also been discussed.

*'Recognition and Marketing Opportunities of a "GI" Tag in Handloom Product: A Study of Banaras Brocades and Sarees'*¹²⁶ is a co-authored article. It has argued for strategies for brand building and marketing of 'Banaras Brocades and Sarees' for Indian and international markets in order to leverage the commercial benefits of 'GI' tag.

*'Changing Dimensions of Drug Patents of Indian Pharmaceutical Industry'*¹²⁷ is a co-authored article. It has aimed to bring about trend, growth and prospects of patenting in Indian Pharmaceutical Sector.

*'Exploring the Possibilities of Utility Models Patent Regime for Grassroots Innovations in India'*¹²⁸ is a co-authored article. It has studied the potential of 'utility models' as a tool to protect the innovations in the informal economy of India, and has analyzed the patenting data of grassroots innovations in India.

*'A Strategic Framework for Technology Valuation in Agriculture and Allied Sectors in India – Case Study of Chitosan'*¹²⁹ is a co-authored article. Article has with a generalized framework, studied the standardized tools for valuation of agricultural technologies developed in National Agricultural Research System of India.

*'Genetically Modified Crops Controversy: The Actualization of Intellectual Property Rights Regime'*¹³⁰ is a co-authored article by foreign scholars. Article has critically assessed the genetically modified crops, *vis-a-vis*, IPRs, and satisfies itself that controversy really exists. It has described the benefits that genetic modified seed can provide to farmers, as well as the concerns that farmers should address before utilizing these seeds.

*'Geographical Indications in Horticulture: An Indian perspective'*¹³¹ has identified the agricultural and horticulture items which were accorded GI tags from the date of enactment of the Geographical Indications of Goods (Registration and Protection) Act, 1999¹³² till March 2018. Article asserts that the state-wise ownership of GIs in horticultural crops indicates activism of Maharashtra and Karnataka, and acknowledges the efforts made by public and quasi-public institutions in obtaining GI tags.

*'Comparative Analysis of Canadian 'Certificate of Supplementary Protection' with USA and Australian 'Patent Term Extension' and European 'Supplementary Protection Certificate'*¹³³ is a co-authored article. It has aimed to provide a comprehensive information regarding the Canadian Certificate of Supplementary Protection and its comparative analysis with USA and Australian PTE and European Supplementary Protection Certificate.

*'Indonesian System of Geographical Indications to Protect Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions'*¹³⁴ is a co-authored article by foreign scholars. This article has considered GI as a promising legal option and responds to the need for pragmatic legal means by which Indonesian products embodying genetic resources, traditional knowledge and/or traditional cultural expressions may enjoy protection within Indonesia's current IP System. In this regard, article has attempted to answer the related questions. Article has also argued that GI protection should be exercised in addition to other Laws and implementing regulations specializing in safeguarding and

protecting genetic resources, traditional knowledge and/or traditional cultural expressions.

*'Electronic Library of Spiritual Heritage: Copyright Limitations and Exceptions'*¹³⁵ has analyzed the limitation on rights of copyright owners on sharing of digitized information, understand the durability of electronic data on cultural, spiritual heritage and promotion of tourism.

*'The Co-Evolution of Science and Law in Plant Breeding: Incentives to Innovate and Access to Biological Resources'*¹³⁶ is an article authored by a foreign scholar. It has analyzed the co-evolution of scientific progress and IP protection in plant breeding and the debates generated in its design and implementation. Article has discussed three main issues: (i) whether plant varieties and other biological resources could be considered as inventions or simple products of nature; (ii) how to provide incentives to plant breeders without preventing access to innovation and looking upon the contribution of farmers to obtain present improved varieties; and (iii) thirdly, the social cost of generating monopolies in plant breeding and agriculture as food producers.

*'Enabling Environment for Research and Development Growth in Africa: IP Protection, Challenges, Drivers and Approaches'*¹³⁷ is an article authored by a foreign scholar. Article has highlighted the disadvantaged status of economic development for most countries in Africa which continued to be a hurdle to the successful research and development initiatives on the continent. It has discussed different approaches to IP development, acquisition, and protection and how each of the approaches can be utilized towards growing the level of Africa's participation and contribution to research and development output.

*'Analysis of SPC Regulation Associated with Pharmaceutical Products in Europe'*¹³⁸ is a co-authored article. It has studied the Supplementary Protection Certificate (SPC) regulations associated with pharmaceutical products, and focused on the case laws associated with SPC regulation and decisions handed down by national IP courts across Europe. It has provided some guidelines for patent claim drafting with improved chances of getting and identifying avenues for challenging SPCs, as well as possible solutions and loopholes in SPC regulation.

*'Prior Art searches in Software Patents – Issues Faced'*¹³⁹ is a co-authored article. Article has highlighted the issues faced by patent professionals

while performing prior-art search in the field of software patents.

*'An Empirical Study on Consumers' Buying Intentions of Counterfeit Products in India'*¹⁴⁰ is a co-authored article. Article has identified the key psychographic determinants affecting consumers' buying intentions of purchasing counterfeit products in India, and provided useful insights to the brand manufacturers and marketers for developing effective strategies and policies required to influence consumers' buying intentions of purchasing counterfeit products.

*'Piracy: A threat to Academicians and Publishers'*¹⁴¹ is a co-authored article. It has discussed various aspects of piracy including its origin, definitions, limitations, consequences and causes, etc.

*'Limitations of Existing IPR Legislations in Managing Emerging Environmental Issues'*¹⁴² is a co-authored article. Article has argued that the provisions under present IPR legislations are inadequate to overcome the forthcoming environmental issues arising from inventions escaped from environmental criteria for granting IP approval. It has suggested for incorporation of stringent criteria regarding environmental protection, conservation, and management in the IPR legislations for granting IPRs for sustainable development of mankind.

*'Continental Impact and Assorted Empirical Study of Intellectual Property Rights'*¹⁴³ is a co-authored article. Article has investigated two aspects related with IP at global level: (i) the significant difference of average number of IP filings and IP in-force between continents, when these IP are considered individually; and (ii) when these IP are studied together in the form of a single vector.

In this Volume, most number of articles (6) covered the areas of Patent Law, followed by 3 on Technology Transfer, GI and IPRs; and 1 article each on TK, Cyberspace, Intellectual Property and Intellectual Rights, Technology Valuation, Genetically Modified Crops, Copyright, Plant Breeding, SPC Regulation, Counterfeit Patents, Piracy, and IP Assets.

***JIPR* in the Year 2019**

A total of 16 articles were published in a total 6 Issues of Volume 23 of *JIPR*. The Issues (1) and (2), (3) and (4), and (5) and (6) were published jointly. Most number of articles (7 each) were published in the Issues (2) and (3). A total of 11 foreign scholars

from 5 countries contributed their 5 articles to this Volume of *JIPR*, namely: HasbirPaserangi, Lin KaritaSakharina, WiwieHeryani, A TenriFamauri, Ratnawati, and Kedarudin (Indonesia); CahitSuluk and Mehmet NafiArtemel (Turkey); Tolulope AnthonyAdekola (Hong Kong); Francis Kariuki (Kenya); and Say-yedHesameddinTafreshi (Iran). The total 5 articles by foreign scholars include 2 co-authored and 3 single authored articles. Most number of foreign authors are from Indonesia (6; and 1 co-authored article). In this Volume, the ratio of articles contributed by the reported foreign countries is 1:1. The co-authored articles are from Turkey and Indonesia. A total of 20 Indian scholars contributed their articles to this Volume. No Indian author contributed more than 1 article to this Volume. The total published 16 articles in this Volume include 9 co-authored articles and 7 single authored articles. All the articles were published in an order in all the issues of this Volume. No article by any Indian scholar in co-authorship with foreign scholar was published in this Volume.

*'SPC Regulation, Analysis of SPC Case Laws and Roadmap for Pharmaceutical Industry'*¹⁴⁴ is a co-authored article and has discussed the Supplementary Protection Certificate (SPC) regulations associated with pharmaceutical products in light of the relevant judicial decisions of national IP courts in Europe.

*'The Menace of Patent Trolls: What the World Can Learn from India'*¹⁴⁵ is a co-authored article and has started the discussion on patent troll highlighting its definitional difficulty. It has discussed the *modus operandi* and techniques the businesses are using to extract profits. Article has also comparatively analyzed the patent systems and legal frameworks of US, EU, and India.

*'Contributory Copyright Infringement in Music Industry: Technological Implications'*¹⁴⁶ has attempted to critically analyze the law related to contributory copyright infringement. It has compared the legislative frameworks of US under the Digital Millennium Copyright Act, 1998¹⁴⁷ and of India under the Indian Copyright Act, 1957¹⁴⁸ and the Information and Technology Act, 2000.¹⁴⁸

*'IPR Registration in Fashion Industry of India'*¹⁴⁹ has attempted to identify the reasons for low rate of registration of Industrial Design, Copyright, Patent and Trademark by the Indian fashion industry.

*'Blockchain Technology and Intellectual Property Rights'*¹⁵⁰ is a co-authored article. Article has focused

on interplay of blockchain technology and IPRs. It has explored the avenues where blockchain technology can be useful in processing of IP applications, maintaining IP records, licensing and smart contracts, enforcement and management of IPRs.

*'Biological Diversity Act: A Concern for Conservation of Genetic Resource and Associated Traditional Knowledge in India'*¹⁵¹ has analyzed the Biological Diversity Act and has discussed how to clarify the ambiguity regarding patentability/non-patentability of inventions related to Genetic Resource (GR) and associated TK and what is BDA's role in prevention of misappropriation of Indian GR/TK by using IPRs.

*'Abolition of Graphical Representation in EU Trademark Directive: Should Countries with Similar Provisions Follow EU's Footsteps?'*¹⁵² is an article authored by a foreign scholar. Article highlighting the abolition of graphical representation requirement for trademark registration in the EU has argued that the changes brought about by the EU Trademark Reform Package are more cosmetic than substantive with regard to the registration of olfactory tactile and gustatory marks.

*'Pharmaceutical Test Data Protection and Demands for Data-Exclusivity: Issues and Concerns of Developing Countries and India's Position'*¹⁵³ is a co-authored article. Article has discussed the controversy related to data-exclusivity pharmaceutical IP policy-making.

*'Notion of 'Ownership' in IP: Protection of Traditional Ecological Knowledge vis-a-vis Protection of T K and Cultural Expressions Act, 2016 of Kenya'*¹⁵⁴ is an article authored by a foreign scholar. Article has articulated the challenges that are bound to arise in Kenya by applying the concept of 'ownership' to TEK protection. It has also suggested for reviewing the Kenyan TEK law so as to clarify the legal status and relationship that exists between TEK holders, their knowledge and their ecosystems.

*'Anti Pharmaceutical Patent Ever-greening Law: Global Need in Support of Public Health'*¹⁵⁵ is an article authored by a foreign scholar. Article has argued for passing a law to ban ever-greening of pharmaceutical patents.

*'The Turkish Supreme Court of Appeals on Non-Use of Trademarks'*¹⁵⁶ is an article co-authored by foreign scholars. Article has discussed the decisions of the Turkish Constitutional Court that provided for criminal sanctions.

‘*Compulsory Licensing for Public Health and USA’s Special 301 Pressure: An Indian Experience*’¹⁵⁷ has analyzed the Indian position in the Special 301 Report till 2018. It has also scrutinized the effect of such a law on India and how the Indian Government responded to such situation.

‘*Is Traditional Knowledge Digital Library A Success?*’¹⁵⁸ has analyzed the performance of Traditional Knowledge Digital Library (TKDL) in the protection of traditional knowledge and the interests of the indigenous people. Article has analyzed various problems associated with TKDL in five-broad groups.

‘*Regulatory Challenges in Clinical Trials: Strategies to Overcome Commonly Observed Deficiencies*’¹⁵⁹ is a co-authored article. Article has highlighted the major challenges for global clinical trials market to achieve the forecasted growth is meeting the increased level of compliance to the regulations. Article concludes that consistent methods are required to improve the quality of studies to effectively eliminate the challenges in mere future and contribute for the betterment of the drugs’ market.

‘*Licensing of Standard Essential Patents on FRAND Terms in India*’¹⁶⁰ is a co-authored article. Article has examined the concept of SEPs and examined the various modes of ensuring their availability on FRAND terms. It has argued that the

existing legal framework in India on the grant of injunctions and the licensing of SEPs on strictly FRAND terms appears to be adequate, however, the recent trend of litigation seems conflicting as one party wishes to enforce FRAND term and opposite party is arguing that the terms are anti-competitive.

‘*PulutMandoti: Potential GI of Enrekang Regency in Indonesia*’¹⁶¹ is a co-authored article by foreign scholars from Indonesia. Article has thoroughly discussed *PulutMandoti*, a rice variety grown in Enrekang regency, South Sulawesi Province of Indonesia. Article has explored the use of geographical indication for *PulutMandoti* to improve the economic condition of local farmers in Enrekang District by using normative and empirical approaches.

In this Volume, most number of articles (4) covered the areas of Patent Law, followed by 2 articles on TK; and 1 article each on SPC Case Law, Copyright, Fashion Industry, Blockchain Technology, Biological Diversity Act, Graphical Representation, Trade Marks, Clinical Trials, FRAND, and GI.

Following summarizes the data in a tabular form relating to the articles published in all the issues of 5 volumes between 2015 to 2019 of *JIPR*. There was no reprinted paper or reports published in any of the issues published during 2010 to 2014 (Table 1):

Table 1 — Research articles published in *JIPR* (2015–2019)

Volume	Total issues	Total articles	Foreign authors/ country/ articles	Indian authors	Joint publications	Articles by sole author	Articles by Indian authors in co-authorship with foreign authors	Areas of IP covered (Number of articles)
20 (2015)	6	38	8/ China; 2/ Malaysia; 1/ USA, Taiwan, Qatar, Indonesia, and Thailand	46 / 3 articles by Neeti Wilson	19	19	—*	Patent (14); EU Law (3); Copyright (3); PPVFR Act (2); Chinese IP (1); Doctrine of Willful Patent Infringement (1); Trade Negotiations (1); IPAB (1); Biological Resources (1); Data Exclusivity (1); Indo-US IP Conundrum (1); Fair and Equitable Exceptions (1); TK(1); IP and Consumer Protection (1); Software Patent (1); IP & Agriculture (1); Technology Transfer (1); Bt Cotton (1); Technology Commercialization (1); and Gene Patenting (1)

(contd.)

Table 1 — Research articles published in *JIPR* (2015–2019) (*contd.*)

Volume	Total issues	Total articles	Foreign authors/ country/ articles	Indian authors	Joint publications	Articles by sole author	Articles by Indian authors in co-authorship with foreign authors	Areas of IP covered (Number of articles)
21 (2016)	6 / Issues (5) and (6) were jointly published	34	3/ Taiwan and Selangor; 2/ Brazil and Korea; 1/ UAE, South Africa, Iran, Jordan, Ghana, Zimbabwe, and Malaysia	37 / No Indian scholar authored more than 1 article in this Volume	16	18	—	Patent (9); Trade Marks (3); GI (3); Copyright (3); IPRs (2); Data Exclusivity (1); Patent Trust System (1); IP and Agriculture (1); R&D Inventions (1); Dispute Settlement Mechanism (1); Plant Breeder's Rights (1); FRAND (1); Domain Names (1); Smell Marks (1); Software Protection (1); Knowledge Structure (1); Biopiracy (1); Biological Diversity Act (1); and BREXIT (1)
			12 articles/ 5 co-authored					
22 (2017)	6	30	3/ UAE; 2/ Korea, Indonesia, and Australia; 1/ Singapore and Sweden	42 / 2 co-authored articles by Omkar Umesh Joshi, Archana Roy, Manthan Janodia and Rekha Chaturvedi	19	11	3	Patent (13); Copyright (4); TRIPS (3); IPRs (2); TPP (1); SPCs (1); IP and Agriculture (1); Trade Marks (1); GI (1); IP and Nuclear Invention (1); Software Protection (1); and IP & International Trade (1)
23 (2018)	6 / Issues (2) and (3) were jointly published; and Issues (4) and (5) were jointly published	26	3/ Indonesia and USA; 2/ Nigeria; 1/ Russia, Netherlands, UK, Argentina, and Botswana	41 / 2 co-authored articles by Archana Roy and Manthan Janodia	17	9	—	Patents (6); Technology Transfer (3); GI (3); IPRs (3); TK (1); Cyberspace (1); IPRs (1); Technology Valuation (1); Genetically Modified Crops (1); Copyright (1); Plant Breeding (1); SPC Regulation (1); Piracy (1); Counterfeit Patents (1); and IP Assets (1)
			8 articles/ 3 co-authored					
24 (2019)	6 / Issues (1) and (2); (3) and (4); and (5) and (6) were jointly published	16	6/ Indonesia; 2/ Turkey; 1/ Hong Kong, Kenya, and Iran	20 / No Indian scholar authored more than 1 article in this Volume	9	7	—	Patents (4); TK (2); SPC Case Law (1); Copyright (1); Fashion Industry (1); Blockchain Technology (1); Biological Diversity Act (1); GI (1); Graphical Representation (1); Trade Marks (1); Clinical Trials (1); and FRAND (1)
			5 articles/ 2 co-authored					

**Em dash* (—) refers to zero (0) as no such article was published in that Issue of the Volume.

JIPR: Review of Last Issues of Volumes

In this decade, the heads 'Contents', 'Annual Index' and 'Acknowledgement to Reviewers' were

uniformly followed in the last issues of each volume *i.e.*, 20 (6) (2015), 21 (5–6) (2016), 22 (6) (2017), 23 (6) (2018), and 20 (5–6) (2019).

Conclusion

The articles published in this decade constitute 17.60 (point six zero) percent of the total articles published in *JIPR*. Whereas, in the twenty-first century, the percentage of articles published in this decade is 19.27 (point two seven). The percentage of foreign authors compared to the Indian authors who contributed their articles to this decade is 26.48 (point four eight). Out of total 144 articles, 80 are single authored articles and 64 are co-authored articles. The total number of articles authored by foreign scholars is 45 which constitute 31.25 (point two five) percentage, and by Indian scholars is 99 constituting 68.75 (point seven five) percentage. Scholars from 25 countries contributed their articles to this decade (including India, the number is 26). The foreign scholars with whom the Indian scholars have co-authored 3 articles include the authors from 2 countries, namely: Australia (2 articles) and Sweden (1 article). Most number of articles in this decade covered the areas of patent law (46 articles) which is 31.94 (point nine four) percentage of all the published articles. A total of three articles by Indian scholars in co-authorship with foreign scholars were published in this decade which constitute 2.08 (point zero eight) of the total publications in this decade.

The articles covering different themes of IP were published in this decade. Review of the articles reveals that the critical pieces were considered by *JIPR*. Knowledge is *publici juris*. It seems that *JIPR* in this decade covered the articles that focussed on dissemination of knowledge and also those that added something new to the existing knowledge (creation of new knowledge). Further, it seems that the aim of *JIPR* has been: (i) to give reasons to the readers and researchers to keep themselves updated with the IP developments and contribute further through their response pieces and new arguments; (ii) to update and make aware the IP owners about their IP rights; and (iii) not only to cover the Indian IP developments but also to cover the EU IP laws along with the IP development in other jurisdictions. In this decade, an article⁶⁵ covering the content analysis of articles published in *JIPR* was considered and published in *JIPR*. By considering this article for publication, it seems that the approach of *JIPR* has focussed on the dissemination of information and has been inclusive to entertain the critical articles even if they were critical about the journal itself. Approach of *JIPR* also

seems to be very speaking and clear that research should be discussed, not dismissed.

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