



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

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This paper seeks to review the articles published in the *Journal of Intellectual Property Rights (JIPR)* in the last decade of the twentieth century from Volume 1(1) (1996) to Volume 4(6) (1999). There are seven intellectual property (IP) statutes in force in India. When *JIPR* published its first Volume in the year 1996, only two IP statutes, legislated and enacted in post-independent India, were in force, namely: (i) The Copyright Act, 1957; and (ii) The Patents Act, 1970 — enacted after 10 years and 23 years respectively after the independence of the country. Nevertheless, the Imperial Act on designs was also in force by the virtue of Article 372 of the Constitution of India, until the Indian Parliament enacted a separate statute on designs. Two statutes were enacted in 1999 and the other three statutes were enacted in the first decade of the 21st century but some of them took a time of almost a decade to come into force. For convenience, the papers published in *JIPR* have been reviewed year-wise. Paper attempts to identify the: (i) total number of issues published; (ii) total number of articles published; (iii) total number of contributions made by the Indian and foreign scholars; (iv) total number of sole and joint publications; (v) publishing style of *JIPR*; and (vi) area of IP covered in the publications. *JIPR* since its inception has aimed to fill void in the IP literature in general and the Indian IP literature in particular. Paper develops an argument that *JIPR* has significantly contributed in the dissemination of IP information and knowledge, and also in creating IP knowledge and awareness by publishing quality research articles on an open access platform.

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, Treaties, Agreement, Research, Development, Review, IP Publications, *Publici Juris*, Dissemination of Knowledge, Creation of New Knowledge, Twentieth-Century

Journal of Intellectual Property Rights (JIPR), an open access journal, started in the year 1996 — almost nineteen months before India was to celebrate her golden jubilee of independence. The last decade of the twentieth-century witnessed many developments not only at the national level but also at the global level. Be it liberalization of economy or the statutory fight for the protection of intellectual property (IP). The last decade of twentieth-century gifted many things to the twenty-first century for further developments and improvisations. *JIPR* was started in the second half of the last decade of the twentieth-century. It was a time when only two post-independent legislated intellectual property rights (IPRs) statutes were in force in India.¹ The awareness of IP in India among the common citizen was not so common, the culture of IP scholarship was not much developed, the Indian writings on IP were not

available in good numbers. Soon the world entered from the twentieth to twenty-first century as per the Gregorian Calendar, not only the whole world but also India witnessed a drastic change in the field of IP, particularly at the legislative and academic levels. Two statutes were enacted in the last year of the last decade of the twentieth century² and three more IP statutes were enacted in the first and second years of the first decade of the twenty-first century³ giving more scope of legislative readings on IP and research. The last decade of the twentieth-century, IP research and scholarship played a significant role in the development of IP in the country.

When *JIPR* published its first issue in 1996, a total of 15 Central Universities were established and the only National Law School established by that time was National Law School of India University (NLSIU), Bangalore, a University established by ‘The National Law School of India Act, 1986’,⁴ an Act of the Karnataka Legislature.⁵ Also, by that time when the first

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issue of *JIPR* was published, the central universities, established by the Act of British Parliament, like The Banaras Hindu University,⁶ The Aligarh Muslim University⁷ and The Delhi University,⁸ etc. (these universities had separate Law Department), also not given it a thought of coming up with a separate journal on the Intellectual Property Rights or IPRs Laws. This cannot be the reason that there were no IP laws for the reason that there were Imperial Acts on copyright, designs and patents of 1911 which were in force. Soon after India got her independence, these Acts by virtue of Article 372 of the Constitution of India came into force and continued until the Parliament enacted a separate legislation.

It seems that initially when the Journal was started, the IP literature were not much available and that could be one of the reasons why in this decade *JIPR* re-published several articles and reports on the theme of IP with permission from the journals and sources where such article and reports were first published. In this way the ‘idea’, ‘knowledge’, ‘developments’, ‘technicalities’ and ‘intricacies’ of the IP and IP laws were communicated. *JIPR* with Print ISSN 0971-7544 and electronic ISSN 0975-1076, is indexed by Scopus⁹ (from 2008) and ROAD.¹⁰

As on today [till Volume 27(4) (2022)], a total of nine hundred and two (902) articles have been published in *JIPR*, of which 71 articles are from twentieth-century and eight hundred and thirty-one (831) articles are from twenty-first century. This Paper seeks to review the articles published¹¹ in *JIPR* from 1(1) (1996) to 4(6) (1999). This Paper is the first part of review of articles published in *JIPR* in the “last decade of twentieth century”. The articles will be reviewed decade-wise in a series. In total, seventy-one (71) articles have been published in *JIPR* in this decade. Most number of articles published in a volume is 25 in Volume 3 (1998) and lowest is 11 published in Volume 2 (1997).

JIPR in this decade has reprinted several articles with permission. These publications can be identified with the asterisk (*) after the title of the article.

Articles in *JIPR*: Last Decade of the Twentieth-Century (1996–1999)

In this decade, a total of 71 articles in 24 Issues of 4 Volumes were published in *JIPR*, with 25 articles in Volume 3 (1998), 23 articles in Volume 4 (1999), 12 articles in Volume 1 (1996) and 11 articles in Volume 2 (1997) Volume. For convenience, these articles will be reviewed year-wise.

***JIPR* in the Year 1996**

A total of 12 articles including 1 reprinted article, were published in total 6 Issues of Volume 1(1996) of *JIPR*. 2 foreign authors contributed their papers to the journal, namely: 1 from the United States of America named Harold M Schoolman and 1 from Australia named Brian Martin. Total number of Indian contributors to this Volume is 12. In total 2 articles were joint publications and 9 articles were published under single author name. No article by any Indian author in co-authorship with any foreign author was published in this volume. The first Indian scholar whose article was published in *JIPR* was M D Nair and the first foreign author whose article was published is Harold M Schoolman from USA.

The first article published in *JIPR* was ‘*Intellectual Property Rights and the Indian Pharmaceutical Industry*’^{*12} which was a reprinted article. This article was published in the *Journal of Science and Industrial Research* 52(4) (1993) 278. This article has assessed the impact of The Patents Act, 1970,¹³ in view of the expectations of the pharmaceutical industry. Article has identified that the reason of decline for patent filing in pharmaceuticals is the shortest period of patent validity. By analyzing the patent system of different jurisdictions, the article has tried to present the best suited patent system for the country.

The second article ‘*Intellectual Property System in India*’,¹⁴ has generally discussed the development of Intellectual Property (IP) system in India and present status of Indian IP system. In brief, it has discussed Patents, Designs, Copyright, Trademark and Protection for Plant Varieties.

‘*International Conventions, Agreements & Treaties for the Protection of Intellectual Property*’¹⁵ has discussed the international conventions, treaties and agreements administered by the World Intellectual Property Organization (WIPO).

‘*Protection of Computer Software/Algorithm*’¹⁶ has discussed the issues relating to copyright protection of computer software in the light of the provisions of The Copyright Act, 1957.¹ Article has also reviewed the developments in mathematical algorithms and the protection of software under the patent statutes.

‘*GATT Final Act: Patenting of Inventions Present and Future Position*’¹⁷ has discussed the establishment of World Trade Organization and the TRIPS Agreement.¹⁸ Article has further discussed requirement of TRIPS in GATT Final Act.¹⁹

*'Patentable Inventions in Biotechnology'*²⁰ has discussed the patentable and non-patentable biotechnology inventions. Article has also highlighted the difficulties in patentability of the biotechnological inventions under The Patents Act, 1970 and TRIPS.

*'Intellectual Property Rights and the National Information Infrastructure'*²¹ was reprinted from the *Quarterly Newsletter of the International Council for Scientific and Technical Information* (21 September 1995). Article has discussed the issues relating to the genesis of copyright laws, US copyright laws, limitations of exclusive rights and infringement of exclusive rights.

*'Commercial Uses of Patent'*²² has first discussed the history of industrial property licensing and use of patent information. Then it has discussed the ways in which patent information can be used in technology development.

*'Intellectual Property Rights and Technology Development: Some Suggestions'*²³ has briefly discussed IPRs in context to biotechnology, plant breeders' rights and biodiversity.

*'Patent Literacy Mission of HRDG'*²⁴ discussed in brief the three schemes of Human Resource Development Group (HRDG) and its initiatives in harnessing patent awareness and creativity.

*'Against Intellectual Property'*²⁵ has developed an argument against IP for the reason it carries negative consequences of the ownership of information. Article concludes that challenging IP is only one part, though an important part, of challenging inequality.

*'The Copyright Eclipses'*²⁶ has argued that the IP laws have come closer and share a lot of common areas and there are certain overlapping zones in these IP laws which are capable of causing serious anomalies. Article has identified some of these areas relating to copyright and has offered some practical suggestions.

In this Volume, 5 articles have covered the areas of patent; 3 articles covered the copyright; 1 on Indian IP system; 1 on WIPO, TRIPS and GATT; 1 on IP international conventions, treaties and agreements; and 1 developing an argument against IP.

JIPR in the Year 1997

A total of 11 articles including 2 reprinted reports and 1 article were published in total 6 Issues of Volume 2 (1997) of JIPR.

4 foreign authors contributed their articles to the journal, namely: Peter Vinkler from Hungary, Karin

Munasinghe from United Kingdom, and E A Ustinova and O V Chelischeva from Russia. Total number of Indian contributors to this volume is 7. 2 articles were joint publications. 7 articles were published under single author name and two articles without the name of the author. No article in co-authorship with the foreign author was published in this volume.

*'Process Patent Act & Export of Drugs and Pharmaceuticals'*²⁷ has discussed issues relating to the process patent to make aware the exporters of drugs formulations. It has analyzed the provisions of process patent statutes of two major jurisdictions, namely USA and UK.

*'TRIPS Agreement on New Patent Regime: An Extreme Compromise'*²⁸ has discussed the societal implications which were missed in the Uruguay Rounds negotiations. Article has also discussed that the TRIPS (in the present position) is a great compromise for the Developing Countries including India.

*'Patent Indicators Characterizing Information Flow Between Countries'*²⁹ has argued that the interest of high-income economies in the patent market of a country and the incorporation of a given country in the patent market of the most developed economies can be characterized by FPP and FPI indicators.

*'WIPO Draft Databases Treaty: Issues and Implications in Indian Context'*³⁰ has discussed, as in the title of the article, the issues and implications of the proposed WIPO Draft Treaty in respect of databases in the Indian context. Article argued for articulation of exceptions on the basis of fair use principles and the need of database protection is essential in the context of growth of information industry and services and attracting foreign investments.

*'Patenting Activities in India: An Overview'*³¹ has first provided an overview of the patenting activities in India and has then compared The Patents and Designs Act, 1911,³² and the post-WTO scenario. It has also discussed The Patents Act, 1970 in the context.

*'Patent Infringement Issues'*³³ has discussed the nature of enquiry followed by British and US courts in deciding the patent validity and patent infringement issues. Article has discussed highlighted the construction and interpretation aspect along with discussing the types of infringement.

*'Searching the Patent Pipeline'*³⁴ has discussed the challenges in providing patent and sequence of information by the government funded databases.

*Intellectual Property Rights in Commercialization of R&D and Transfer of Technology*³⁵ has discussed the patent licensing and the transfer of technology in the light of The Patents Act, 1970. Article has also emphasized and discussed the ways and means of exploiting patented inventions/knowhow. Article has argued for harmonization of IP laws in the context of the international patent system.

*Are Markush Structures Matters of Chemistry and Law or Just Figments of the Imagination?**³⁶ has discussed the requirements of the patent law. Article has discussed that the Markush disclosures caused problems for both database producers and users, and it has argued that the so-called ‘nasties’ and ‘super-nasties’ arise because the basic principles of science and of patent law are being ignored. The name of the second author O V Chelischeva is not mentioned with the name of the first author, rather it has been mentioned in the details of the first author in the paper. Also, the same is missing from the *JIPR* repository page.

*Patenting Activity in Asian Region during Late Eighties**³⁷ is a paper in which the Editor of *JIPR* has compiled the information based on National Science Foundation, *Asia's New High-Tech Competitors*, NSF95–309 (Arlington, VA, 1995). It has covered the patenting activity in several Asian countries along with technological importance of these patents.

The last article *U.S. Chemical Patents Issued during 1984-94**³⁸ published in *JIPR* does not mention anything as to its author or whether it is a reprinted article. It has discussed the owners of US chemical patents in a tabular form.

In this Volume, 10 articles have covered the areas of patent; and 1 article on copyright.

JIPR in the Year 1998

A total of 25 articles including 4 reprinted works, 1 keynote address in a symposium, 1 welcome address in a workshop, 3 keynote address in a workshop, 8 papers presented in the WIPO Asian Sub-Regional Symposium on the Implication of TRIPS Agreement, 1 paper presented in a workshop, 1 modified version of dissertation, and 1 paper presented in a seminar, were published in total 6 Issues of Volume 3 (1998) of *JIPR*.

4 foreign authors contributed their 6 articles to the journal, namely: Mart Leesti from Quebec (2 articles), Matthijs Geuze from Geneva, C L Clemente from New York, and Dato V L Kandan from Kuala Lumpur (2 articles). Total number of Indian contributors to this

Volume is 18. 3 articles were joint publications and 21 articles were published under single author name (Mart Leesti, V K Gupta and V Govinda Rajulu published 2 articles each). 2 articles were published without the author's name. No article by any Indian author in co-authorship with the foreign author was published in this Volume.

*India's Position on Intellectual Property Rights*³⁹ has discussed India's position on the biological materials in the light of GATT and TRIPS and has also provided some suggestions for India that what it should do in the area of IP concern. In this article, there was an asterisk (*) after the title of the article but unlike to indicate the reprinted articles, it was used to signify that the views expressed in the article are of the author.

*Intellectual Property Rights in the Ensuing Global Digital Economy**⁴⁰ is a reprinted article from *Electronics Information & Planning* 24(11) 1997 618–625. It has discussed the implications of the WIPO new copyright treaties and also the unresolved issues or issues likely to crop up in future in the context of emerging digital technologies.

*Public Perception of Intellectual Property Rights**⁴¹ is a summary of the *Market Research Perception on the IPRs* published in November 1996–April 1997, by ORG-MARG. The article has focussed on the public perception with respect to pharmaceutical industry, GATT, TRIPS, IPR, product patents, and the New Patents Bill.

*Role of Intellectual Property Rights in the Technological Upgradation**⁴² is a reproduced version of the Welcome Address delivered at ‘Workshop on Role of Intellectual property Rights in the Technological Upgradation of Indian Industry’, organized by the Institute of Intellectual Property Development on 9 September 1997 at Federation House, New Delhi, India. It has emphasized for developing the domestic industry by pumping in resources for research and development.

*Novelty and Obviousness in Patent Law*⁴³ has assessed the practice of law as to novelty and obviousness/inventive step in grant of patent. It has also discussed the issues involved in both product and process claims in the light of the judicial pronouncements of the British and US courts.

*Historical Background, General Provisions and Basic Principles of the TRIPS Agreement and Transitional Arrangements**⁴⁴ is a paper presented at

the 'WIPO Asian Sub-Regional Symposium on the Implication of TRIPS Agreement' held in New Delhi on 15–17 October 1997. It has provided an overview of the TRIPS Agreement by covering its background, general provisions, basic principles and transitional arrangements.

*'Role of Intellectual Property Rights in the Technological Upgradation'*⁴⁵ is a keynote delivered at the 'Workshop on Role of Intellectual Property Rights in the Technological Upgradation of Indian Industry', organized by the Institute of Intellectual Property Development on 9 September 1997 at Federation House, Tansen Marg, New Delhi, India. It has made an attempt to identify the controversies involved in IPRs and Patenting. It has also argued for a stronger IP regime.

*'State of Indian Intellectual Property'*⁴⁶ is a keynote delivered at the 'Workshop on Role of Intellectual Property Rights in the Technological Upgradation of Indian Industry', organized by the Institute of Intellectual Property Development on 9 September 1997 at Federation House, Tansen Marg, New Delhi, India. Discussing the present status of IP in India, it has also covered the importance of IP for small scale sector and patenting activity in India.

*'Intellectual Property Protection in India'*⁴⁷ is a keynote delivered at the 'Workshop on Role of Intellectual Property Rights in the Technological Upgradation of Indian Industry', organized by the Institute of Intellectual Property Development on 9 September 1997 at Federation House, Tansen Marg, New Delhi, India. It has reviewed the IP regime in India and has presented a strong case for a better IPR regime in India.

*'Basmati Rice Lines and Grains - Gist of the US Patent No 5,663,484'*⁴⁸ has provided an overview of the patent granted to Basmati Rice in the United States.

*'Mechanisms in the WTO Framework Aimed at Ensuring Compliance with Obligations under the TRIPS Agreement'*⁴⁹ is a paper presented at 'WIPO Asian Sub-Regional Symposium on the Implication of TRIPS Agreement' held in New Delhi during 15–17 October 1997. It has provided an outline of the TRIPS Agreement.

*'State of IP in Pharmaceutical Industry'*⁵⁰ is a presentation made at the 'Workshop on role of Intellectual Property Rights in the Technological Upgradation of Indian Industry', organized by the Institute of Intellectual Property Development, 9

September 1997 at Federation House, Tansen Marg, New Delhi, India. It has discussed the position of IP in the Indian health sector.

*'Developing Intellectual Property Laws by Hindsight'*⁵¹ is a modified version of the MBL Project Dissertation on "Product and Process Patenting: An Implication of Indian Industries" submitted to National Law School of India University, 1996. It has analyzed the Indian IP laws and suggested for enactment of bundle of IP legislations.

*'Does Biotechnology Need a New Database Treaty'*⁵² is a reproduced with permission from *Current Science* 73 (8) 1997, 652–657. This article has argued that the biotechnology databases have mushroomed and has discussed what databases mean for biotechnology.

*'Patents, Industrial Designs and Layout-Designs (Topographies) of Integrated Circuits'*⁵³ is a paper presented at the 'WIPO Asian Sub-Regional Symposium on the Implication of TRIPS Agreement' held in New Delhi, India, during 15–17 October 1997. It has discussed the implications of TRIPS Agreement on the laws of patents, industrial designs and layout-designs of integrated circuits in the Malaysian perspective.

*'Trademarks, Geographical Indications and Protection of Undisclosed Information'*⁵⁴ is a paper presented at the 'WIPO Asian Sub-Regional Symposium on the Implication of TRIPS Agreement' held in New Delhi, India, during 15–17 October 1997. It has focussed on the impact of TRIPS on trademarks and protection of undisclosed information in Malaysian perspective. It has also surveyed the progress achieved so far by Malaysia in the development of industrial property laws.

*'WTO and IPR: Implications for R&D Management'*⁵⁵ is a modified version of a paper presented at the 'National Seminar on WTO and IPR: Implications for Indian Economy and R&D' held at Hyderabad during 20–21 June 1998. It has examined the issues relating to the implications of WTO related agreements for R&D management.

*'Patents, Industrial Designs and Layout-Designs (Topographies) of Integrated Circuits'*⁵⁶ is a modified version of the paper presented at the 'WIPO Asian Sub-Regional Symposium on the Implication of TRIPS Agreement' held in New Delhi, India, during 15–17 October 1997. It has discussed the TRIPS

Agreement and provisions of the key international IP conventions such as The Paris Convention (1967), The Berne Convention (1971), and The Treaty on Intellectual Property in Respect of Integrated Circuits (1989). It has also discussed the additional new obligations set out in the TRIPS Agreement with an emphasis on standards concerning the availability, scope and use of patents, industrial designs and layout-designs (topographies) of integrated circuits.

'*Copyright and Neighbouring Rights-Management and Protection*'⁵⁷ is a keynote address delivered at the 'Symposium on Copyright and Electronic Media' organized by the Ranganathan Research Circle, New Delhi on 31 January 1998. It has discussed the Copyright Act, 1957 and the summary of deliberations of the Diplomatic Conference during the finalization of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

'*Copyright and Related Rights*'⁵⁸ is a paper presented at the 'WIPO Asian Sub-Regional Symposium on the Implication of TRIPS Agreement' held in New Delhi, India, during 15–17 October 1997. It has discussed the scope of copyright and related rights and emphasized on the need of protecting them. Reference has also been made to the TRIPS Agreement, the Berne Convention and the Rome Convention.

'*TRIPS: Protection of Geographical Denominations and Undisclosed Information*'⁵⁹ is a paper presented at the 'WIPO Asian Sub-Regional Symposium on the Implication of TRIPS Agreement' held in New Delhi, India, during 15–17 October 1997. It has discussed the protection of geographical indications and undisclosed information under the TRIPS and the existing Indian legislations.

'*Trends in Patent Renewals in India*'⁶⁰ has discussed the intricacies involved in the patent renewals in India. In this regard, article has analyzed the trends in patent renewals in India in the last five years (*i.e.*, from 1991–1992 to 1995–1996).

'*Copyright and Related Rights*'⁶¹ is a paper presented at the 'WIPO Asian Sub-Regional Symposium on the Implication of TRIPS Agreement' held in New Delhi, India, during 15–17 October 1997. It has discussed the TRIPS Agreement and its practical implications on the copyright and related rights.

'The *Basmati* Patent — A Blessing in Disguise?'⁶² (*sick*) has discussed the possibilities on the natural

products can be granted patent with an emphasis on the *Basmati* patent. In the title of the article, on the Journal's repository page, the asterisk (*) was used for no reason as the same is missing in the title.

'*Paris Convention for the Protection of Industrial Property*'⁶³ has been reprinted from the *WIPO General Source*. It has briefly discussed the provisions of The Paris Convention.

In this Volume, 10 articles have covered the areas of patent; 5 articles covered the copyright; 1 on Indian IP system in context to biological materials; 1 on WIPO; 1 on Paris Convention, 3 on TRIPS; 1 each on IPRs and IPRs Regime; 2 articles on IPRs *generally*.

JIPR in the Year 1999

A total of 23 articles including 1 communication, 3 paper presented in symposium, 1 paper presented in the regional forum and 1 paper presented in seminar, were published in total 6 Issues of Volume 4 (1999) of *JIPR*.

3 foreign authors contributed their 4 articles to the journal, namely: Matthjis Geuze from Geneva, Busso Bartels from Switzerland and Mart Leesti (2 articles) from Canada. Total number of Indian contributors to this volume is 22 with (2 articles each by S S Chandran, Mart Leesti, C K S Pillai and S Tiwari). 3 articles were joint publications. 20 articles were published under single author name. No article in co-authorship with the foreign author was published in this volume.

'*Intellectual Property Rights in Medical Biotechnology*'⁶⁴ has traced the changes witnessed in the area of biomedical research and has argued that the law is transiting in an industry-responsive manner. A few suggestions are also made to adequately respond to these changes and have also provided certain suggestions in this regard.

'*Life Form Patenting: A Case for Setting up International Depositary Authorities in India*'⁶⁵ is a reprinted version of IMTECH No. 1037/98. It has argued for the need of a legislative framework which can provide a mechanism for the researchers to deposit patentable living subject matter in its own depositaries having an international recognition.

'*Overview of the Indian Industrial Design Law and Practice*'⁶⁶ provides an overview of the various aspects the registration of industrial design in India.

'*Intellectual Property Rights in Relation to Plant Genetic Resources*'⁶⁷ has highlighted the shortcomings of the protection of the plant breeders' right.

*Patenting Activity in Biosensors*⁶⁸ has analysed 150 related patents filed in USA and Japan from 1983–1995. Focus of the article is on enzyme membrane.

*Enforcement of Intellectual Property Rights and Dispute Settlement under the TRIPS Agreement**⁶⁹ is a paper presented at ‘WIPO Asian Sub-Regional Symposium on the Implication of TRIPS Agreement’ held in New Delhi, India, during 15–17 October 1997. It has discussed in detailed the TRIPS provisions.

*PCT and Its Importance to India*⁷⁰ has discussed in detailed the history, functioning and merits of PCT in addition to PCT fees for applicants from India.

*IPR and Software Related Crime Prevention*⁷¹ has discussed the possibility of piracy in the general structure of a computer software and has offered some generic suggestions for the software developers, distributors/traders and users in this regard. In this article, the asterisk (*) is used after the title of the article on the repository page only to signify that the views expressed in the article are of the author.

*Modernization of Intellectual Property Legislation and Administration in the Context of the TRIPS Agreement**⁷² is a paper presented at the ‘WIPO Asian Sub-Regional Symposium on the Implication of TRIPS Agreement’ held in New Delhi, India, during 15–17 October 1997. It has offered some alternatives (in context of Canada) for modernizing the national IP legislations in the light of TRIPS Agreement.

*Gearing up for the Management of IPR in the 21st Century*⁷³ had described the distinction between industrial property and IP. It has also discussed the Members’ obligations under TRIPS and action taken by India on the same.

*Value-Added Materials from Cashewnut Shell Liquid: A Study on Their Recent Patents*⁷⁴ has reviewed the recent patents and described value addition in R&D through an examination of technical information in patents. Article has also argued that cashewnut shell liquid (CNSL) has the potential of conversion into high value polymer.

*Decisions on Patentability and Novelty Criteria**⁷⁵ is a paper presented at the ‘Technology Appreciation Seminar on Intellectual Property Rights’ organized by the Foundation for Innovation of Science & Technology Transfer, 13 September 1997 at IIT Delhi, India. It has discussed the concepts of “invention”, “novelty” and “manner of manufacture”.

Implications for Developing Countries of Obligations on the Enforcement of Intellectual

*Property Rights as Prescribed by the TRIPS Agreement**⁷⁶ is a paper presented at the ‘WIPO Asian Sub-Regional Symposium on the Implication of TRIPS Agreement’ held in New Delhi, India, during 15–17 October 1997. It has examined the requirements of enforcement provisions of TRIPS Agreement and has identified the areas for the developing countries which changes would be needed.

*Access to Patent Information*⁷⁷ has discussed the organizations that provide services and access to patent information.

*The Role of WIPONET in the Development and Transfer of Technology and its Contribution to the Modernization of Intellectual Property Services**⁷⁸ is a paper presented at the ‘WIPO Asia Specific Regional Forum on Intellectual Property Policy Issues in the Next Millenium held in New Delhi, India, during 7–9 July 1999. It has elaborated the framework, components, goals (both immediate and long-term), services, strategies, plans and the current status of WIPONET. It has further discussed the role of this WIPONET in the development and transfer of technology.

*Avoiding the Fall after TRIPS*⁷⁹ has reviewed the provisions of TRIPS and highlighted the inconsistencies in its overall objective. It has further suggested some remedial measures to be taken by developing countries during the remaining time of transition period before making appropriate changes in their patent laws in conformity with TRIPS. In this article, the asterisk (*) is used after the title of the article on the repository page only to signify that the views expressed in the article are of the author.

*Liquid Crystalline Polymers: A Review of Their Patents*⁸⁰ has reviewed the patent literature on LCPs.

*Patent Literature on Catalysts for Olefin Polymerization: [I] Ziegler-Natta Catalysts*⁸¹ has argued that patents can make or break profits resulting from an invention, depending upon an organization’s capability to protect its intellectual property rights from litigation by rivals. This article has chronicled the history of patents on olefin polymerization catalysts in the last 40 years (from 1950s to 1990s).

*Modernization of Intellectual Property Legislation and Administration in the Context of TRIPS*⁸² has argued for some options and alternatives for modernization of national IP legislation and administration, and proposed for the desirability of technical and financial cooperation of

developed country members in this process of modernization of developing and least developed country members.

*'IPR Information: Analysis and Drafting of Patent Claims for R&D Scientists'*⁸³ has highlighted the importance of the role of IPRs information for R&D scientists with an emphasis on describing: (i) salient features of IPR information contained in patent claims; (ii) how useful analysis can be made of the claims in a patent document in order to identify new routes in R&D; (iii) basic features of drafting good quality patent claims. Article has also presented a case study on analysis of patent claims in the area of piperine.

*'How to Protect 'Ancient' IPR'*⁸⁴ has argued for broadening the IPRs in the areas of traditional knowledge, plant varieties, and biodiversity. It further has highlighted the concerns of traditional communities in developing countries. In this article, the asterisk (*) is used after the title of the article on the repository page only to signify that the views expressed in the article are of the author.

*'Patent Regime on Plant Varieties'*⁸⁵ has argued for providing protection on plant varieties in a way that fulfills the interest of the farmer and breeder under a system that safeguards the traditional knowledge on indigenous plants of commercial value.

*'Enforcement of Intellectual Property Rights and Dispute Settlement under the TRIPS Agreement'*⁸⁶ has discussed the enforcement of IPRs under five sections: (i) general obligations, (ii) civil and administrative procedures and remedies, (iii) provisional measures, (iv) special requirement related to border measures, and (v) criminal procedures. Article has also briefly discussed the dispute settlement system of the WTO.

In this Volume, 9 articles have covered the areas of patent including on proposing for setting up of International Depository Authorities in India; 1 article on industrial design; 4 articles on IPRs enforcement and dispute resolution under TRIPS; 1 article on Patent Cooperation Treaty; 1 article on software related crime prevention; 1 article on plant varieties; 3 articles on IPRs *generally* including WIPONET, TRIPS and ancient IPR.

Table 1 summarizes the data in a tabular form relating to the articles published in Volume 1 (1996) to Volume 4 (1999) of *JIPR*.

In total, in this decade, *JIPR* has published 4 volumes, 24 issues, 71 articles. These 71 articles

include 29 reprinted articles in the form of reports, modified versions of the papers presented in seminar and symposiums, keynote addresses from the seminars and symposiums, reproduced with permission from the journals where such reports or articles were published. 11 Foreign scholars from 8 different countries contributed their 15 articles to *JIPR*. 59 Indian authors contributed their articles. Most number of articles published by any foreign author in this decade is 4, by Mark Leesti from Canada. The maximum number of articles published in this decade by the foreign authors is from (in a chronological order) Canada, Switzerland, Malaysia, United States of America, Russia, Australia, Hungary and United Kingdom (last three are mentioned in the alphabetical order as the number of published articles is same). The maximum number of foreign authors who contributed their articles in *JIPR* is from Canada, Switzerland, Malaysia, United States of America, Russia, Australia, Hungary and United Kingdom.

9 co-authored articles and 57 single authored articles were published. No article by any Indian author in co-authorship with any foreign author was published in this decade. A total of 34 articles were published on or relating to patent, 9 relating to copyright; 8 on WTO and/or international agreements; 4 on IPR enforcement and dispute resolution; 2 on Indian IP system; 1 on industrial design; 1 on Arguments for or against IP; 1 on IPRs regime; 1 on software related crime prevention; 1 on plant varieties; and 5 on IPR *generally*.

JIPR: Review of Last Issues of Volumes

Initially, when *JIPR* was started, in addition to the head 'Contents', it provided seven other separate heads, namely: 'Conference Report', 'Patent Scan', 'Subject & Author Index', 'Patent News', 'Feedback', 'Genome Research' and 'Your Queries', in the Last Issue of its volume. *JIPR* followed this practice in the last issue of each volume. Out of these, two heads namely 'Feedback' and 'Genome Research' were never used in any of the Volumes. The heads 'Conference Report' and 'Your Queries' were used uniformly in the last issue of each volume during this decade. Heads 'Patent Scan', 'Subject & Author Index', and 'Patent News' discontinued after Volume 2. Head 'Literature Review' as a separate head was introduced in 2(6) (1997) and was followed in the next two volumes of this decade. Five heads 'IPR News', 'Book Review', 'Annual Index', 'New Publications'

Table 1 — Research papers published in *JIPR* (1996-1999)

Volume	Total issues	Total papers	Reprinted papers/ reports	Foreign authors/ Country/ articles	Indian authors	Joint publications	Papers by sole author	Papers by Indian authors in co-authorship with foreign authors	Areas of IP covered (no. of papers)
1 (1996)	6	12	1	2/ USA & Australia/ 2	12	2	9	—*	Patent (5); Copyright (3); Indian IP System (1); WIPO/ International Agreements (2); Arguments for or against IP (1)
2 (1997)	6	11	2	4/ Hungary, UK and Russia/ 3	7	2	7	—	Patent (10); Copyright (1)
3 (1998)	6	25	20	4/Canada, Switzerland, USA, and Malaysia/ 6	18	3	21	—	Patent (10); Copyright (5); Indian IP System (1); WIPO/ International Agreements (5); IPRs Regime (1); IPR <i>generally</i> (2)
4 (1999)	6	23	6	3/ Switzerland and Canada/ 4	22	3	20	—	Patent (9); Industrial design (1); IPR enforcement and dispute resolution (4); WIPO/ International Agreements (1); Software related crime prevention (1); Plant varieties (1); IPR <i>generally</i> (3)

*[Em dash (—) refers to zero (0) as no such article was published in any of the volumes of *JIPR* in the last decade of twentieth-century.]

and ‘Statistics’ were introduced in Volume 3(6) (1998). Of these, ‘IPR News’, ‘Annual Index’, ‘Statistics’ was followed uniformly in this decade. The heads ‘Book Review’ and ‘New Publications’ were used only once in this decade. There were no heads relating to ‘Technical Notes’, ‘List of Referees’, ‘Annual Author Index’, ‘Annual Keyword Index’ or ‘Acknowledgment to Reviewers’ in this decade. But with time, *JIPR* introduced several heads in the last issue of the volume in post-twentieth century publications. What uncommon feature in this decade as to the heads was that no head was used uniformly.

The asterisk (*) after the title of the article signifies that the article was either reprinted or summary of the keynote from a symposium or seminar or paper presented in seminars or symposiums.

Conclusion

The non-availability of literature may be due to the absence of active IP scholarship in the last decade of the twentieth-century compelled *JIPR* to go for

reprinting the already printed writings with due permission. Dissemination of knowledge and information is only a “necessary” but not a “sufficient” condition for research and development. Dissemination of knowledge and information leads to “creation of new knowledge”. In other words, “dissemination” is a condition precedent for “creation”. Also, dissemination helps understand the existing things with a different and new approach(es). This decade of *JIPR* seems more like a fight for finding a source to disseminate among the public on the principle that knowledge is a *publici juris*. By covering literature on the undisclosed information arguing for a *sue generis* legislation on the same and critiquing and questing the existing laws and proposing for reform, shows that *JIPR* has tried to fill void in the existing IP literature. Review of articles also reveal that in these four years of the decade, *JIPR* has developed gradually with respect to the quality of research considered by it and covering the articles with arguments and proposing for reforms in the law.

Also, by providing an open-access platform for publishing scholarly writings on IP, *JIPR* has significantly contributed and is taking all endeavours to contribute to the domain of IP research and development.

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