

On the Occasion of Twenty Years of the TRIPS Agreement

International Workshop on the Impact of the TRIPS Agreement on key sectors and its continuing relevance in the context of Regional and Bilateral Trading Agreements

26 October – 27 October 2015

Venue: Nalanda, Indian Institute of Foreign Trade, New Delhi

26th October 2015 (Monday)	
1000-1030 hrs	<u>Registration</u>
1030-1100 hrs	<u>Inaugural Session</u>
1030-1035hrs	Welcome Remarks by Prof. Abhijit Das, Professor & Head, Centre for WTO Studies, Indian Institute of Foreign Trade
1035-1045 hrs	Remarks by Dr. V. Bhaskar, Former Special Chief Secretary Government of Andhra Pradesh and Joint Secretary Department of Industrial Policy and Promotion, Government of India
1045-1055 hrs	Inaugural Address by Shri Rajeev Kher, Former Commerce Secretary*
1055-1100 hrs	Vote of Thanks by Ms Chandni Raina, Professor, Centre for WTO Studies, Indian Institute of Foreign Trade
1100-1130 hrs	Tea
1130-1330 hrs	<p><u>Session 1</u></p> <p>Implementation of the TRIPS Agreement by developing countries and the growth of the Regional and Bilateral Trading Agreement</p> <p><i>The TRIPS Agreement placed on the developing countries onerous commitments with respect to protection of IPRs leading to a complete overhaul of their legislations. In the process more than half of the LDCs implemented their obligations under TRIPS even before the timelines set for them for compliance. Many developing countries have moved beyond TRIPS in their legal regimes. At the same time, further tightening of the regime as part of the FTA commitments is also a concern.</i></p> <p><i>The session discusses the manner in which countries met their commitments under TRIPS and the pulls and pressure that led to the TRIPS plus positions adopted by many. The plethora of FTAs and BITs has set additional commitments. The lessons learnt from recent arbitration proceeding and the positions adopted by countries such as South Africa, Indonesia, Thailand and India need to be examined. In the</i></p>

	<p><i>context of increasing pressure to harmonize enforcement standards, the reasonableness of this given the differing domestic priorities and developmental goals also needs to be studied.</i></p> <p><u>Questions for discussion:</u> <i>What were the pulls and pressures faced by the developing countries as they sought to comply with the TRIPS Agreement? Have the developing countries largely accepted TRIPS Plus commitments in their IPR regimes including on crucial issues such as public health and enforcement? What are the areas in which the FTA and RTAs are further enhancing protection? Are the developed countries seeking commitments that are even beyond the protection provided in their own jurisdiction? What are the various mechanisms of influence exercised by the developed countries?</i></p> <p>Chair: Shri Jayant Dasgupta, Former Permanent Representative of India to the WTO</p> <p>Speakers:</p> <p>Prof. Peter Drahos, Australian National University</p> <p>Prof Carlos Correa, University of Buenos Aires</p> <p>Prof Frederick Abbott, Florida State University</p> <p>Shri R. Saha, Senior Advisor, Confederation of Indian Industry</p> <p>Shri KM Gopa Kumar, Third World Network</p>
1330-1430 hrs	Lunch
1430-1630 hrs	<p><u>Session 2</u></p> <p>IP and Economic Development</p> <p><i>The reasonableness of high level IPR protection is often explained in the context of the beneficent impact it has on economic growth and development. The session will examine the strength, if any, of this correlation. Is the level of IP protection alone responsible for higher growth? What are the preconditions if any and empirical evidence on the level of development when this correlation really sets in?</i></p> <p><i>An important factor in development is the ability of countries to access technology and knowhow. What has been the experience of the developing countries in getting new technology?</i></p> <p><i>The session will discuss cross country studies with a view to gain clarity on this issue.</i></p> <p><u>Questions for discussion:</u></p> <p><i>Most developed countries have benefitted from fairly lax IPR regime, but the argument being given now for a high level of IPR protection is the beneficent impact it is likely to have on economic growth. Are the developed countries seeking to 'kick away the ladder' with which they climbed up to the top? Or is there a basis for the argument extended by them? What is the empirical evidence of the</i></p>

	<p><i>correlation of enhanced IPR protection on economic growth and development of a country? How important is IPR as a factor in economic growth? What is the evidence on the extent of technology transfer from the developed to the developing countries in the past two decade?</i></p> <p>Chair: Shri Sudhansh Pant, Joint Secretary, Department of Pharmaceuticals, Government of India</p> <p>Speakers:</p> <p>Prof. Peter Drahos, Australian National University</p> <p>Prof Sunil Mani, Centre for Development Studies, Thiruvananthapuram</p> <p>Prof Sunil Kanwar, Delhi School of Economics, Delhi University</p> <p>Mr Bobby Bedi, Film Producer and Director, Chairman, FICCI committee on Film and Industry</p>
1630-1700 hrs	Tea
27th October 2015 (Tuesday)	
0945-1300 hrs	<p><u>Session 3</u></p> <p>TRIPS and Public Health</p> <p><i>Pharmaceutical and biotech sectors had the maximum divergence in IP protection regimes across countries prior to the TRIPS Agreement. The TRIPS Agreement was therefore a watershed for these sectors. However the flexibilities and subsequently the Doha declaration on TRIPS and Public Health have allowed countries to model the laws taking into account their developmental and societal objectives.</i></p> <p><i><u>Questions for discussion:</u></i></p> <p><i>Pharmaceuticals and the biotech sectors were possibly the most impacted by the TRIPS Agreement. However, the flexibilities allowed countries to take into account their public health concerns while formulating the Patent regimes. How did the Agreement impact access to medicines? Does this remain an unfinished agenda for the developed countries? What would be the areas where further action could be seen?</i></p> <p>Chair: Justice (retd.) Prabha Sridevan, Former Chairperson of the Intellectual Property Appellate Board</p> <p>Speakers:</p> <p>Mr D.G Shah, Secretary General, Indian Pharmaceutical Alliance</p> <p>Mr. Bhaskar Bhattacharya, Partner, Corporate Law Group</p> <p>Ms Leena Menghaney, Access Campaign India Co-ordinator at Médecins Sans</p>

	<p>Frontières</p> <p>Prof Frederick Abbott, Florida State University</p> <p>Mr Anand Grover, Senior Advocate, Supreme Court of India*</p> <p>Prof Sudip Chaudhuri, Indian Institute of Management, Kolkata</p>
1300-1400 hrs	Lunch
1400-1530 hrs	<p><u>Concluding Session</u></p> <p>Shape of things to come</p> <p><i>The twenty years since the TRIPS Agreement came into existence, saw widespread changes in the legislative framework of most developing countries. While they grappled with fulfilling the obligations of the Agreement, the developed world has looked towards further strengthening these norms. The FTA/RTA's with their tighter IPR chapters are but an outcome of this exercise.</i></p> <p><u>Questions for discussion:</u></p> <p><i>With FTAs/RTAs a norm, where are we headed? Will TRIPS lose its relevance? Or will the TRIPS be renegotiated? What are the new issues that will figure prominently in any prospective negotiations? What are the likely implications?</i></p> <p>Chair: Dr. V. Bhaskar, Former Special Chief Secretary Government of Andhra Pradesh and Joint Secretary Department of Industrial Policy and Promotion, Government of India</p> <p>Speakers:</p> <p>Prof Frederick Abbott, Florida State University</p> <p>Mr Pranesh Prakash, Policy Director, Centre for Internet Society</p> <p>Ms. R V Anuradha, Partner, Clarus Law Associates</p> <p>Ms Sanya Reid Smith, Legal Adviser, Third World Network</p>
1530-1600	Tea

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