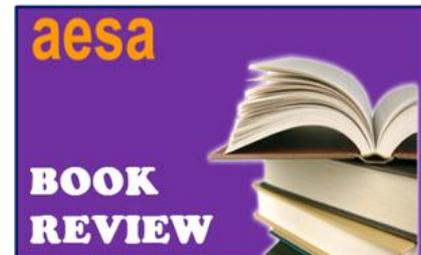


Agricultural Extension in South Asia

**CREATE, COPY, DISRUPT:
INDIA'S INTELLECTUAL PROPERTY DILEMMAS**

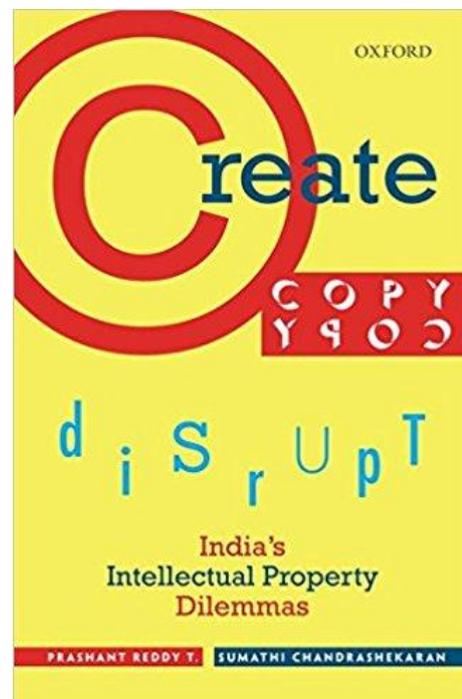
Prashant Reddy T and Sumathi Chandrashekar (2017)
Oxford University Press
350 pages.



This book, “Create, Copy, Disrupt: India’s Intellectual Property Dilemmas” by T Prashant Reddy and Sumathi Chandrashekar truly disrupts the ‘traditional picture’ of understanding intellectual property laws. The book comprising of 11 chapters, engages the reader right from the start more particularly after the third chapter. The young author duo breaks from tradition and has ‘spiced up’ the reading in a simple but engaging manner that entices every reader to keep reading till the very end.

Who are these authors? They are young and definitely bold in their expression. Their experience as part of the SpicyIP blog team is reflected throughout the book; and in tune with that learning, they have brought about a much-needed fresh look into understanding IP in the Indian context. And so the myth that IP is ‘dry, boring, complex legal verbose’ is replaced by ‘a combination of facts and events’ interspersed lucidly throughout the book so much so that the reality of IP is able to reach a much larger public audience. This is the USP of this book and this is what needs to be appreciated.

Like any conventional format, the book begins with the historical perspective (till chapter 4); but surprisingly this section is clear, minus heavy jargon, and moreover, very innovatively written. It is important that the history of the IP evolutionary journey be captured so that it gets embedded into the minds of all, especially the younger audience. Only then can one understand the compulsions emerging for the country and the responsible roles played by several policy makers – most needed at that time. Accordingly, the discussions in these chapters focus on patent laws in India, on the roles of the various parliamentary committees, the crucial part played by policy makers, and the emergence of ‘crowbar diplomacy’ which did trigger waves of protests, but eventually brought changes in the IP laws of that time.



Chapter 4 describes the classic case of Novartis for Glivec for evaluating the impact of Section 3(d) of Patent Law of India. It logically highlights the several rounds of litigation and

Novartis' constitutional challenge to the Madras High Court; and the landmark verdict of the Supreme Court against Novartis for its failure to demonstrate increased efficacy as the invention claimed under section 3(d). The message from this case law to India is mixed – a reminder to all to develop more competencies in understanding and then interpreting treaties and laws for rallying and positioning the country on international platforms.

Laws on copyright have been some of the oldest IP laws in India, and discussions in the next four chapters focus on this. As one of the original members of the Berne Conventions, the country's tryst with this IP law across several decades has led to its emergence as a leader and champion for developing countries even before the TRIPs negotiations. Access to one's own knowledge and rights on it has been the cornerstone of debates and this entire saga until the latest "DU photocopy case" in 2015. This has been very well articulated by the authors in a simple but compelling manner. Chapter 8 brings in contemporary dimensions on fast-moving technology and the influence on the country's intermediary liability policy. The attempt by authors in demystifying the innumerable characteristics of copyright laws, both in India and at global platforms is fulfilling a gap experienced by several students and practitioners of IP laws. Consequently the discussion and relating cases of Netcom to the Digital Millennium Copyright Act 2012 in which the 'safe harbor' provision was included, is truly helpful. Unfolding the launch, the rise, and fall of a start up like Guruji.com, the first Indian search engine, and debates on 'fair bargain' for such services is perhaps a first of its kind brought to readers in any discourse on IP laws in India.

As expected in any IP law book, Chapter 9 presents the oft-talked story of three important patent cases on neem, turmeric, and basmati, and the circumstances leading to the creation of Traditional Knowledge Digital Library (TKDL). In their unique and subtle style, the authors also question the evaluation and veracity of CSIR-TKDL's claims and the responses from government in handling these patent controversies. Against this background, Chapter 10 discusses at length the 'successful and unsuccessful' attempts to protect the uniqueness of basmati rice by registering it as a geographical indication, which may lead to the use of 'basmati' as a generic term. It describes very lucidly the stiff competition from government sanctioned hybrids, such as Pusa basmati, to traditional varieties of basmati famous for their taste and aroma and developed by generations of farmers. The complexities that lay bare in one single product, such as basmati, are interesting to understand and set a platform for emergence of several such issues with reference to other products. Voicing an opinion for empowering communities as envisaged in the GI Act, the debate on 'nationalization' through ownership of the GIs by public sector agencies is put before readers. These are newer issues that any IP practitioner needs to be ready to understand in order to provide solutions.

To the best of our knowledge, the book brings – for the very first time – the challenges in IP doctrines when juxtaposed with the religions and traditions in India. Commercialization of religion-based literature and goods and using IP as a weapon for bettering commercial gains by several persons or their institutions has been described very candidly in the last few chapters. All these efforts need to be viewed in order to update and build a new way of rationalised and logical thinking on several contentious issues in IP parleys.

So this book “Create, Copy, Disrupt” by Reddy and Chandrashekhra provides a comprehensive, yet concise, insights of IP management as on date particularly in India. It has an easy-to-read style with several real-time cases, and can cater to the needs of students as well as general readers. The case studies presented in the book can be very useful for gaining a better understanding of the current status of IP laws, especially for a lay audience, including inventors, scientists, entrepreneurs and others.

Overview: Highly recommended. An interesting, easy, and thought-provoking read-that gives current insights on IP laws and their evolution. Finally, as a faculty of IP and Technology Management, if there was another class to teach this subject, we would like to supplement class learning with references from this book!



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