



# Back to Basics : The Role of Property in the IP System

22<sup>nd</sup> – 23<sup>rd</sup> March, 2018

Justice Y K Sabharwal Moot Court Hall

National Law University Delhi




## BACK TO BASICS: THE ROLE OF PROPERTY IN THE IP SYSTEM

This conference will explore how stable and effective property rights in innovation and creativity secure both moral and economic values for a flourishing society. By examining the doctrinal implications of IP, the contributions of patents, copyrights, and trade secrets to the innovation and creative industries, the intersection of antitrust and IP law and the overall contribution of IP industries to economic development, the conference will showcase the critical role effective property rights play in building and sustaining a successful IP framework. The conference promises to be an exciting event with six distinct and well-curated panels for students, academics, academically minded practitioners, regulators and those involved in public policy.

INAUGURATION: March 22, 2018

8:30 – 9:10 am: Registration and welcome coffee

9:10 - 9:30 am [Welcome]: Prof. (Dr) Ranbir Singh, *Vice Chancellor, National Law University (NLU) Delhi* & Prof. Mark Schultz, *Professor, Southern Illinois University School of Law and Director of Academic Programs, Centre for Protection of Intellectual Property, George Mason University*



PANEL 1: WHY INTELLECTUAL PROPERTY IS A PROPERTY RIGHT AND WHY IT MATTERS

**9:30 - 11:00 am: Why Intellectual Property is a Property Right and Why It Matters**

**Moderator:** Prof. Mark Schultz, *Professor, Southern Illinois University School of Law*

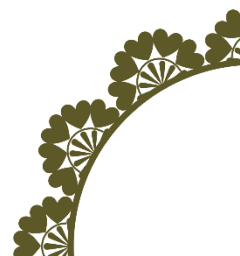
- ❖ Prof. Sean O'Connor, *Assistant Dean for Law, Business & Technology and Professor of Law, University of Washington School of Law, Seattle*
- ❖ Prof. Jay Kesan, *Professor of Law, University of Illinois College of Law*
- ❖ Mr R. Parthasarathy, *Principal Partner and Country Head, Lakshmikumaran and Sridharan Attorneys*

***Discussants:***

- ❖ Prof. (Dr) Raman Mittal, *Associate Professor, Faculty of Law, Delhi University*
- ❖ Dr David Lund, *John F. Witherspoon Legal Fellow, CPIP*

**11:00 - 11:30 am: Coffee Break**

*This panel will explore the policy, doctrinal, and economic bases for defining intellectual property as a property right and securing it as a property right in a country's legal system. It will examine the key role that "property" plays in securing the fruits of productive labors of inventors, creators, as well as the commercial firms that develop equally innovative methods in creating the value chain necessary to sell these new products and services in the marketplace. The panelists will detail how property rights in new inventions, creative works, and valuable business methods secure both moral and economic values that are central to a vibrant free market and a flourishing society.*



## PANEL 2: INTELLECTUAL PROPERTY AS A PROPERTY DOCTRINE

This panel will explore the various doctrinal implications in a country's legal system in securing intellectual property rights as property. It will address the key function that property rights serve in protecting the rights of alienation that make possible the creation of efficient market mechanisms to produce and sell new innovative products and services to consumers in the marketplace. It will also detail how the legal protection of property rights against infringers—such as obtaining an injunction—is not just important for protecting a so-called “monopoly” in the marketplace, but instead is the primary legal mechanism that makes possible commercial exchanges of new assets in the first place.

### **11:30 – 1:00 pm: Intellectual Property as a Property Doctrine**

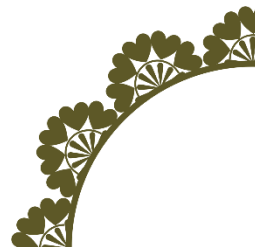
**Moderator:** Prof. Yogesh Pai, Assistant Professor, NLU Delhi and Co-Director, Centre for Innovation, Intellectual Property and Competition (CIIPC)

- ❖ Prof. (Dr) Ramakrishna Thammaiah, Professor, National Law School of India University, Bengaluru
- ❖ Prof. Adam MacLeod, Associate Professor of Law, Faulkner University, Alabama
- ❖ Prof. (Dr) Feroz Khader, MHRD IPR Chair Professor, Indian Institute of Technology, Madras

### ***Discussants***

- ❖ Mr Ashutosh Kumar, Associate Partner, Singh & Singh, IP Law Firm
- ❖ Mr Eashan Ghosh, Legal Executive, S. Majumdar & Co., IP Law Firm, New Delhi

### **1:00 – 2:00 pm: Lunch**



PANEL 3: THE INNOVATION INDUSTRIES: THE VALUE OF PATENTS & TRADE SECRETS

**2:00 – 3:30 pm: The Innovation Industries: The Value of Patents & Trade Secrets**

**Moderator:** Prof. Jay Kesan, *Professor of Law, University of Illinois College of Law*

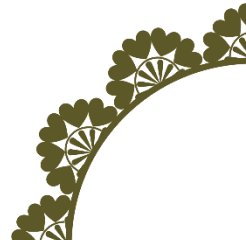
- ❖ Prof. Mark Schultz, *Professor, Southern Illinois University School of Law*
- ❖ Prof. (Dr) Prabuddha Ganguli, *CEO, Vision-IP and Visiting Professor, Rajiv Gandhi School of Intellectual Property Law, Indian Institute of Technology, Kharagpur*
- ❖ Mr G. Nataraj, *Founder, Law Chambers of G Nataraj, New Delhi*

***Discussants***

- ❖ Ms Sunita Sreedharan, *Founder, SKS Law Associates, New Delhi*
- ❖ Dr S. K. Murthy, *Patent Counsel, Intel India*

**3:30 – 4:00 pm: Coffee Break**

*This panel will explore the real-world function of patents and trade secrets for the innovation industries. Panelists will detail how stable and effective intellectual property rights support the modern bio-pharmaceutical and high-tech industries by making possible long-term business planning, billions in investments in research and development of new products and services, the development of risk-management strategies, and ultimately the investment in and creation of innovative new business models that efficiently deliver new products and services to consumers.*



PANEL 4: THE CREATIVE INDUSTRIES: THE VALUE OF COPYRIGHTS

*This panel will explore the real-world function of copyright in the creative industries. Topics will include how property rights make possible investment in creative works, how copyright enables creators to work in a professional vocation that serves the values of independence and freedom, and how copyright serves as a commercial platform for a flourishing society with a vast range of cultural and creative products offered to consumers in the free market.*

**4:00 – 5:30 pm: The Creative Industries: The Value of Copyrights**

**Moderator:** Prof. Sean O'Connor, *Assistant Dean for Law, Business & Technology and Professor of Law, University of Washington School of Law, Seattle*

- ❖ Prof. Sandra Aistars, *Professor, Arts & Entertainment Advocacy Program, Antonin Scalia Law School, George Mason University*
- ❖ Prof. Eric Priest, *Associate Professor and Faculty Director, LL.M. Program, University of Oregon School of Law*
- ❖ Prof. Prashant Reddy, *Assistant Professor, National Academy for Legal Studies and Research (NALSAR), Hyderabad*

***Discussants***

- ❖ Dr Achille Forler, *Advisor, Indian Performing Rights Society (IPRS)*
- ❖ Mr Ananth Padmanabhan, *Fellow, Carnegie India*





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## 7:00 – 9:00 pm: Keynote Dinner and Reception

Welcome Remarks: **Prof. (Dr) G S Bajpai**, *Registrar, NLU Delhi*

Introduction: **Prof. (Dr) Arul George Scaria**, *Assistant Professor and Co-Director, CIIPC, NLU Delhi*

Keynote: **"Innovation in the Digital Economy: Challenges for Competition Law and Policy"**

Speaker: **Mr Dhanendra Kumar**, *Honorary Principal Advisor, Indian Institute of Corporate Affairs and Former Chairman, Competition Commission of India*

Vote of Thanks: **Prof. Mark Schultz**, *Professor, Southern Illinois University School of Law.*

**Venue: Hotel Radisson Blu,**

**Sector 13, Dwarka**

**(Open only to registered participants)**

PANEL 5: INTELLECTUAL PROPERTY & COMPETITION POLICY

**9:30 - 11:00 am: Intellectual Property & Competition Policy**

**Moderator:** Prof. Jay Kesan, *Professor of Law, University of Illinois College of Law*

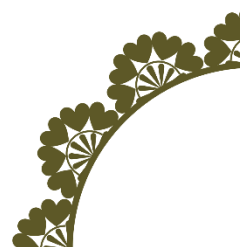
- ❖ Dr Geeta Gouri, *Former member, Competition Commission of India*
- ❖ Mr Alvaro Ramos, *Senior Director, Head of Global Antitrust, Qualcomm (San Diego)*
- ❖ Prof. (Dr) Vikas Kathuria, *Assistant Professor, Bennett University, New Delhi*

***Discussants***

- ❖ Mr J. Sai Deepak, *Founder, Law Chambers of J. Sai Deepak, New Delhi*
- ❖ Mr Pranav Mehra, *Principal Legal Counsel, Snapdeal*

**11:00 - 11:30 am: Coffee Break**

*This panel will explore the policy and doctrinal tensions at the intersection of intellectual property law and antitrust law. Topics to be address will include (among others) the framing of both legal doctrines as advancing consumer welfare through promoting new technological and creative innovation, the proper use of competition law in policing efforts by property owners to abuse their market positions, how intellectual property should be treated as compared to other types of property by competition authorities, and whether intellectual property is capable of being policed for certain types of antitrust violations.*





## PANEL 6: INTELLECTUAL PROPERTY, INNOVATION, AND ECONOMIC GROWTH

*This panel will discuss the scholarly literature and economic studies that have shown the connection between providing stable and effective property rights to innovators and creators and the existence of a thriving innovative economy. It will consider how a country can build an effective enabling environment that supports flourishing creative and innovation industries.*

### **11:30 – 1:00 pm: Intellectual Property, Innovation, and Economic Growth**

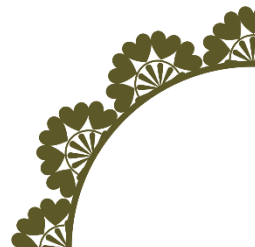
**Moderator:** Dr Shubhashis Gangopadhyay, *Research Director, India Development Foundation*

- ❖ Prof. (Dr) Amit Shovan Ray, *Professor of Economic Development, Centre for International Trade and Development*
- ❖ Prof. (Dr) Kristina M. L. Acri, *Associate Professor and Chair, Department of Economics & Business, Colorado College*
- ❖ Prof. (Dr) Lalitha Narayanan, *Department of Economics, Gujarat Institute of Development Research*


### ***Discussants***


- ❖ Dr Kirti Gupta, *Senior Director, Economic Strategy, Qualcomm Inc.*
- ❖ Dr Amit Kapoor, *Chair, Institute for Competitiveness, Gurgaon, Haryana*

### **1:00 – 2:00 pm: Lunch**








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