

Proceedings of the
National Seminar

on

**IPR Management in Biodiversity Conservation:
Implications of Access Benefit Sharing, TRIP/CBD
and Biodiversity Acts**

17-18 January, 2020

Editors:

Dr. Sunita Shekhawat

Associate Professor

Department of Zoology

Kanoria PG Mahila Mahavidyalaya

J.L.N Marg, Jaipur Rajasthan

Dr. Ritu Jain

Assistant Professor


Department of Botany

Kanoria PG Mahila Mahavidyalaya

J.L.N Marg, Jaipur, Rajasthan

Authors are responsible for the views, opinions expressed here and neither Editors nor Publishers are accountable in any manner.

Permission is needed for reproduction in any form.

Copyrights  2020 by the IPR Management in Biodiversity Conservation: Implications of Access Benefit Sharing, TRIP/CBD and Biodiversity Acts.

Published by: Organizing Secretary of the National Seminar, Kanoria PG Mahila Mahavidyalaya, Jaipur.

ISBN: 978-93-5396-760-4.


Principal
Kanoria PG Mahila Mahavidyalaya
JAIPUR

INDEX

S. No.	Author(s)	Title	Page No.
1.	Dr. Abhishek Kr. Tiwari	Biodiversity and Genetically Modified Crops: Issues and Challenges	1-5
2.	Akanksha Ganda	Managing Intellectual Property Rights in the Advertising Industry	6-8
3.	Anamika Singh	Legal Issues and Environment Protection Laws in India	9-14
4.	Dr. Anita Gajraj	Intellectual Property Rights: A Significant Tool for Biodiversity Conservation	15-19
5.	Dr. Aparna B Rathore	Bioprospecting and Biopiracy: Impact on Biodiversity	20-24
6.	Bharati Pareek	Biodiversity and conservation of <i>Salvadora persica</i> (Linn.) in Indian Arid Zone	25-27
7.	Dr. Chetna Sharma, Dr. Shalini Sharma	Public Health and Intellectual Property Rights	28-31
8.	Divya Pareek	Intellectual Property Rights: Key to Entrepreneurs Sustainability	32-35
9.	Jyoti Kapil, Neetika Mathur	Intellectual Property Rights: Boon or Bane for Protecting the Farmer's Rights	36-40
10.	Prof (Dr.) Komal Audichya	The Biological Diversity Act 2002 and the Access and Benefit Sharing	41-47
11.	Dr. Kumud Tanwar, Dr. Swati Singh, Dr. Arti Mishra	Laws and Policy Framework for Environmental Protection	48-50
12.	Dr. Leena Bhatia	Intellectual Property Rights – A curse or a boon for India as a developing country	51-57
13.	Dr. Manisha Mathur	International Property Rights: An Overview of History of Patent Laws	58-63
14.	Medha Babel	Sustainable Forestry: An Approach of Biodiversity Management	64-65


 Principal
 Kendra PG Mahila Manavikya
 JAIPUR

S. No.	Author(s)	Title	Page No.
15.	Dr. Meenakshi Punia	Bioprospecting and Biopiracy: Challenging Grounds for India and its Bio Diversity Laws	66-71
16.	Dr. Meenal Sharma	Role of Intellectual Property in Innovation and New Product Development	72-80
17.	Dr. Neelam Bageshwari, Dr. Sunita Shekhawat	Geographical Indication in Intellectual Property Rights	81-84
18.	Dr. Neeta Agrawa	Why Intellectual Property should be Protected	85-89
19.	Poonam Sharma, Kamakshi Tomar	Role of Government Agencies in the Regulation of IPR	90-92
20.	Priyanka Jangid	A Review: Legal Framework on Environmental Protection	93-95
21.	Dr. Ranjana Agrawa	Intellectual Property Rights in Science: Issues and Challenges	96-101
22.	Dr. Ritu Jain, Dr. Sunita Shekhawat	Bio-Diversity, Bio-Piracy & Bio-Prospecting: Indian Perspective	102-109
23.	Rukshar	Environmental Degradation and Management in India: A Review	110-113
24.	Dr. Surabhi Sharma	Awareness of IPR (Intellectual Property Rights) among the Research Scholars in Jaipur City	114-118
25.	Vandita Srivastava, Dr. Sangita Sinha	Enabling the Community through IPR Awareness	119-124
26.	Yogita Solanki, Reema Solanki, Pooja Mangal	Relevance of Access Benefit Sharing in Biodiversity Conservation	125-128
27.	डॉ. शीतल शर्मा	हमारी पारम्परिक बौद्धिक सम्पदा : अध्यात्म	129-132
28.	Dr. Nidhi Gupta	Biodiversity : A Review	133-136


Principal
 Kancra PG Mahila Mahavidyalaya
 JAIPUR



Proceedings of National Seminar on
'IPR Management in Biodiversity Conservation: Implications of
Access Benefit Sharing, TRIP/CBD and Biodiversity Acts'

Public Health and Intellectual Property Rights

Dr. Chetna Sharma* and Dr. Shalini Sharma

Assistant Professor, Department of Zoology
Kanoria PG Mahila Mahavidyalaya, Jaipur
Corresponding E-mail: sharmamilky19@gmail.com

Abstract

Pharmaceutical industry occupies an important place in Indian economy as a major emerging research-oriented and research-based industry. Trade Related Aspects of Intellectual Property Rights (TRIPs) has brought new challenges and opportunities for this sector and proper analysis of all the factors responsible for successful gains from the market is essential for the researchers. The Indian pharma industry's success and survival will depend on how strategically and effectively it faces the upcoming challenges and opportunities in this sector. Till 2005 drugs for medical purposes were not patentable in India. Therefore, it was apprehended that the switchover from the non-patent regime to the patent regime would not be a smooth one. Comparing the price for same medicine among countries with and without patent regime for medicines, it was found that in some countries with patent right, the drug price was higher up to 41 times than in India prior to 2005 (with no drug patents). There is option for controlling the price by even provisions available in the TRIPs itself like compulsory licensing and parallel import (which requires political will). In this regard proper measures are required to be taken to protect indigenous knowledge mainly in the fields of traditional Indian System of Medicine. This would help in achieving a balance between corporate and communities by balancing the return on investment (ROI) approach and returns to community (RTC) approach to intellectual property issues. Many issues have come to the fore to influence the trade patterns. The traditional concept of the factors of the production in economics is changing in the present era of liberalized economy, particularly with coming into force of World Trade Organization in 1995. The role of knowledge as potential contributor to production is increasingly being recognized, thus assuming the status of a factor of production. This has significantly increased the importance of Intellectual Property Rights (IPRs) in the developmental process in the modern world. However, the general perception is that IPRs play a significant role only in the case of globalize industrial economy and has not worthwhile place in the area of social development. The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs) includes Copyright and Related Rights, Trademarks, Geographical Indications, Industrial Designs, Patents, Layout-Designs (Topographies) of Integrated Circuits, Protection of Undisclosed Information, and Control of AntiCompetitive Practices in Contractual Licenses etc. within the scope of IPRs.

Keywords: Intellectual Property Rights, TRIP, Pharma Industry, Copyright

Introduction

In developing countries, the issues of traditional knowledge have assumed a critical dimension in the area of intellectual property rights. The phrase "Traditional Knowledge" implies the development and transmission of the knowledge from generation to generation

within a system, held by local individuals, families, lineages or indigenous communities. From time immemorial, these local individuals or communities have a store-house of knowledge about their geographical flora and fauna. However, the