



# WTO-IPR Bulletin

G.B. Pant University of Agriculture & Technology, Pantnagar, Uttarakhand - 263145



## From the Vice Chancellor's Desk

Trends in monsoon this season augur well for the Agriculture Sector. Intermittent rains, almost throughout July, have brightened the prospects of Kharif output. In the country side farmers' fields are lush green with luxuriant growth of paddy crop. However the luxuriant growth of paddy demands urgent attention of entomologists and plant pathologists of the University because paddy crop, especially a good paddy crop, is more prone to attacks of pests. Our scientists should therefore, tighten their belts, form surveillance teams and try to visit areas and have adequate knowledge in advance about pest incidence and disease outbreak, especially in paddy crop, so that it can be protected and saved for the benefit of farmers and thereby for all of us. Our Krishi Vigyan Kendras (KVKs) in various districts of Uttarakhand should also direct their energies and attention to these incipient challenges of the current Kharif season.

At international front, the WTO has come up with a relatively new agenda viz., Trade Facilitation Agreement (TFA) since 2013. The WTO believes and rightly so, that through TFAs, member countries stand to gain, by way of reduction in trading costs and increase in GDP. For this, the WTO has launched a drive. So far, 89 countries, including India, have ratified the TFA. Once two thirds of the member countries of the WTO have ratified the TFA, it will come into force. There are 161 member countries in the WTO. Needless to say, this will go a long way in improving trade flows internationally.

In the area of IPR, a new consensus is emerging for genetically modified (GM) crops. A large number of Nobel laureates (109 to be precise) have endorsed the utility and efficacy of GM Crops in the world. The developments in this regards need to be watched as this is intimately related to economics of agricultural production and food security in the country.

In the campus, while the protection of invention through patents continues to receive priority attention the protection of other forms of intellectual properties such as trade mark and plant variety protection registration are also receiving attention. An application for registration of trade mark viz. *iaruxj fo''ofokj; cht* has been filed with the Trade Marks Registry, New Delhi. Also an application for the registration of an extant variety of peas viz. Pant Sabji Matar-3 (PSM-3) has been filed with the Protection of Plant Variety and Farmers' Rights (PPV &FR) Authority, New Delhi. These are good developments and they show that the tempo of IPR culture at the University is gathering momentum.

A new course on IPRs viz. **Intellectual Property Rights AGP 615 (2 credits)** has been especially designed for our Post Graduate Students. This course is being offered in the current semester in the Deptt. of Genetics & Plant Breeding, College of Agriculture. I am sure, the P.G. Students will take advantage of this course.

Besides, many good developments are taking place in other fields, and our scientists are being recognised. At a recently held Annual General Meeting of ICAR, one of our scientists Dr. Anil Kumar, Professor & Head Deptt. of Molecular Biology and Genetic Engineering was awarded Best Teacher Bharat Ratna C. Subramanniam Award. On this occasion, one of our students was graced with Jawahar Lal Nehru Best Thesis Award. While congratulating these awardees, I take this opportunity to exhort our entire teaching and research staff to take part in national competitions so that the footprints of this University are visible at national fora also.

Our students, both old and freshers should take note of the above developments and strive for excellence. At the time of writing this message I realise that a new batch of students has joined the University. I welcome them all to this University and beseech them to take full advantage of the University facilities such as library, labs, computer facilities, gym, class room instructions, various seminars and conferences organised from time to time, in pursuit of their studies and degree programmes. I wish them, the best of luck.

**(Mangala Rai)**  
**Vice-Chancellor**

## II. INTERNATIONAL

### 2.1 109 Nobel winners sign Appeal for GM crops to Green peace

As many as 109 Nobel laureates, mostly scientists, have signed a letter urging the Greenpeace to end its opposition to the genetically modified organisms (GMOs) and calling upon government around the world to reject the NGO's campaigns that opposed biotechnological innovations in agriculture. Urging the Greenpeace, known for its anti-GM crops stand, the letter noted that "there has never been a single confirmed case of a negative health outcome for humans or animals for their consumption. Commenting on this, the Business Standard has come up with an editorial comment as under:

"The promoters of genetically modified organism (GMO), who have been fighting a tough battle against the vociferous anti-biotechnology lobby, have found support from a highly revered section of intellectuals. As many as 109 Nobel laureates have backed the gene tweaking technology to improve crops and other products. They have recommended that criticism of GM foods on emotional, dogmatic and unfounded grounds must come to an end and government should reject objections against biotechnological innovations. In a hard-hitting disparagement of GM detractors, they have also decried the campaign against Vitamin A-enhanced Golden Rice, which has the potential to reduce deaths due to Vitamin A deficiency. A noteworthy point made by them is that there has seldom been any confirmed case of any negative impact of GM products on environment or human and animal health.

Significantly, these contentions have promptly been endorsed by noted environmentalist Mark Lynas— who had initially spearheaded a relentless anti-GM movement in Europe but later, realising his mistake, had turned a staunch support of this technology. It is worth recalling that a similar earlier joint action by about 50 top Indian scientists, including the recipients of coveted national and international awards, to uphold the virtues of GM technology had failed to deliver the desired results. In a letter to Prime Minister Shri Narendra Modi in February 2015, these scientists had cogently argued that the country had lost considerable time in harnessing this useful technology and any further delay would be detrimental to agriculture and other fields.

The underlying message from these domestic and global luminaries for all countries is to go ahead with GM crops regardless of misinformed and motivated tirade against them. This counsel is all the more relevant for India which despite having tasted success in gene-altered Bt-cotton, is dragging its feet to allow similar other crops, some of which like Bt-brinjal and Bt-mustard have already passed the safety tests. One of the obvious reasons for this dilly-dallying is the flawed policy to let politicians take the final call on the use of GM crops rather than leaving it to those who can form a purely science-based opinion.

Of course, safeguard will be needed before trials take place for growing GM crops. At the same time, however, it would be advisable to heed the Nobel laureate's advice on ignoring the criticism of GM technology. However, doing this in India may not be easy. The ruling party, the Bharatiya Janata Party, and some of its sister outfits in the Sangh Parivar , such as the Swadeshi Jagaran Manch, are opposing it. The first and foremost task for the government would, therefore, be to convince these organisations that this technology is vital for Indian agriculture to meet its present and future challenges. Rigorous preapproval safety testing is, no doubt, essential."

### 2.2 WTO Trade Facilitation Pact Cleared

The pact aims to expedite the movement, release and clearance of goods, including goods in transit, for international trade. It also sets out measures for effective cooperation between Customs and other appropriate authorities on trade facilitation and Customs compliance issues.

According to the WTO, full implementation of Trade Facilitation Agreement (TFA) could increase global merchandise exports by up to \$1 trillion annually. The overall boost to world export growth has been estimated at 2.7 per cent per annum.

Trade facilitation requires harmony between several departments such as Customs, Shipping and Ports, Road Transport and Highways, and the Directorate General of Foreign Trade. Getting all of these diverse stakeholders on board will require the government to focus on domestic reforms to leverage TFA.

Towards this end, a national committee on TFA would be set up to coordinate and implement the provisions of trade facilitation. The committee will be co-chaired by both the Revenue Secretary and Commerce Secretary.

India had initially blocked the TFA, the first multilateral agreement concluded by the WTO, from being adopted by standing firm on its demand of a permanent solution to subsidise its farmers and public stockholder to ensure food security. Later, India reached an agreement with the US, which offered protection against any challenge to food security programmes under the WTO dispute settlement mechanism till a permanent solution was found.

This particular 'peace clause' in the TFA agreement signed by India allows it to maintain its food buffer stocks till a permanent solution is found. But, it still cannot export such subsidised food owing to opposition from developed countries which say such a practice would distort market prices.

India stressed clause was off the negotiating table as was the case for all items agreed during and after the WTO's Bali Ministerial in 2013. In return, it tightened pressures on rich countries by opposing international food aid programmes financed by them, which, according to India, distort international food prices. The TFA can take effect only after two-thirds of WTO's 161 member nations complete their domestic ratification process.

### **India Can Go to WTO Panel to Control US Poultry Entry**

India can approach the World Trade Organisation's Compliance Panel to pre-empt the US from imposing trade sanctions following its allegation that India failed to comply with the intergovernmental organisation's ruling on American poultry imports, as reported in the press.

Last year, the WTO had ruled that India's ban on poultry shipments from the US was not tenable. Although India followed it up by issuing a notification on the requirements for poultry and poultry products imports from countries reporting outbreak of avian influenza, the US has been maintaining that India failed to comply with the WTO's ruling, and has threatened to use retaliatory measures against it.

Under WTO rules, any disagreement related to compliance is decided by the WTO's Compliance Panel.

"This is the logical step for India to show that the measure conforms to WTO (rules)," the official cited earlier said, adding that the two parties will have to ink a sequencing agreement to achieve this. The agreement will ensure that the US refrains from imposing trade sanction on India and does not retaliate through any other route.

"It will be of mutual advantage to get into a sequencing agreement, now that the implementing measure is in place," said Abhijit Das, Head of the Centre for WTO Studies at Indian Institute of Foreign Trade.

Agriculture ministry officials said they are awaiting a reply from the US. "We have revised our notification in July 8 aligned with international stands," said an official.

As per the notification dated July 8, the government has said that import of poultry and poultry products will be allowed from countries free from avian influenza in accordance with the norms set by World Organisation for Animal Health.

Apart from that, the government has issued guidelines on import. “We have sent a questionnaire to USA to know about the animal health services, legislation, poultry industry, disease, avian influenza, laboratory network, meat processing units, etc.,” the official said, adding that they might visit the US to inspect the processing units.

India is the fourth largest producer of chicken meat in the world after the US, China and Brazil, with production touching 3.5-4 million tonnes a year. Organised players like Godrej Tyson, Suguna, Venky’s and Alchemist have been expanding their retail base, apart from augmenting capacities.

The per capita consumption of chicken in India has been on the rise, with eating habits changing predominantly in the metro cities.

In 2006, US-based Tyson Foods entered the Indian market through a joint venture with Godrej. In the 1980s, US poultry breeding company Cobb had a joint venture with Venkateshwara Hatcheries, which sells meat under the Venkys brand. Also, the Aviagen Group, the world’s premier poultry breeder, had set up an integrated backend processing plant in Coimbatore.

### **III. NATIONAL**

#### **3.1 Decathlon gets patent for cycle invention**

Many people may think that there is no scope at all, for further research and invention in bicycles. But it is not so. A French sports goods retailer Decathlon has received Indian patent for its invention, related to a bicycle with rear suspension which makes riding of the bicycle better experience in rough terrain.

The invention titled “Two wheeled vehicle in particular a bicycle with rear suspension’, advantageously allows mountain bikes to limiting the pumping phenomenon throughout the full movement of the rear wheel during compression or decompression of the shock-absorber system, claims the company. This invention clearly shows that there are vast opportunities in the area of Utility Patents.” Staff and students of the College of Technology may like to note this point, and try to come up with inventions for utility patents.

#### **3.2 Tatas double patents in 2 years**

The Tata group, which has over 100 companies, said the number of its published patents doubled to 7,000 in 2015 from 3,500 in 2013. In 2015 alone, Tata group companies filed for over 2,000 patents in India and abroad compared with under 1,500 patents in the previous year.

The declaration was made at Tata Innovista, a group-wide-programme held annually to encourage, recognise and showcase innovations done by Tata companies.

For this achievement, the group spent ₹ 17,896 crore, or \$2.9 billion, on research and development (R&D) across group companies in the financial year 2014-15, which was 2.7 per cent of the group’s turnover. In 2013-14, it had spent ₹ 16,000 crore, or 2.5 per cent of the group’s turnover.

These patents are mainly in the area of computation and data processing, material, coating, casting and vehicle propulsion, communications, engines, and hybrids, fuels and controls.

#### **3.3 A mango variety that couldn’t add sweetness to bitter Indo-Pak ties**

Among the score of unresolved issues between neighbours and bitter rivals-India and Pakistan-lies the conflict over a mango variety. To this day, origin of the delicious Rataul mango is disputed between the two countries. The flashpoint of this historical tussle was witnessed in 1981 when the then Pakistan president General Zia-ul-Haq presented PM Indira Gandhi and President Neelam Sanjeev Reddy a basket full of 'special mangoes' from his country.

The then India's PM Indira Gandhi liked the sweet mangoes so much that she wrote an open letter to Gen Zia-ul-Haq appreciating the "mangoes only available in Pakistan.

It was then that a group of mango growers from Rataul village in Baghpat district met Mrs. Gandhi and explained how the variety was born in India and not in Pakistan.

"My father's elder brother Abrarul Haq Siddiqui migrated to Pakistan after partition with a sapling of Rataul mango and cultivated in Multan and named it 'Anwar Rataul' to the memory of his late father, Anwarul Haq. Now Multan is famous in the world for this mango and this mango is supplied globally. Anwar Rataul is considered the king of mangoes," said Rahat Abrar, Director, Public Relations Office, Aligarh Muslim University, who is originally a resident of Rataul village and proud of its mangoes. Over the years, Anwar Rataul has become so famous in Pakistan that its government issued a postal stamp on the mango variety.

Mairajuddin, 60, who was part of the delegation of mango growers which met Mrs. Indira Gandhi, told TOI, "I still remember when the news of Pakistan variety being presented to Sanjeev Reddy was carried out in the media, a meeting took place in our village where it was decided that an original box should be presented to PM Indira Gandhi with the request that the same should be sent back to the Pakistan president. I was part of the delegation."

"During mango festivals across the globe, there is always a tussle between the two countries over ownership of this variety. We have over 2000 bighas of land under cultivation of this variety here in Baghpat and adjoining areas," he said.

Alimuddin Siddiqui, one of the cultivators, told TOI, "Anwar Rataul has its roots in this village here and it is still grown here in a sizeable area." It is high time, the growers and mango traders of Baghpat got a Geographical Indication for this variety, registered in their favour.

### **3.4 Darjeeling tea to cost more abroad**

Come November and Darjeeling export tea prices in the European market will soar by an average of 10 per cent the reason being the full-scale rollout of the geographical indication (GI) tag in Germany.

A blend of 51 per cent tea from the Darjeeling hills with produce from other Himalayan regions used to be termed the "precious brew" across tea drinking countries in Europe. This will give way to using only tea originating from the hills in northern West Bengal. This in turn will result in more demand for from packagers.

Germany is considered the hub of Darjeeling tea demand, where nearly two million kgs. is exported, followed by Britain and America.

"From November, as GI will be fully implemented in Germany, we expect a 10 per cent rise in prices," said, S.S. Bagaria, President of the Darjeeling Tea Association.

The quality of this tea fetched ₹ 5,000 a kg in an auction. Even the lowest quality yield is prices at ₹ 500-1,000 a kg in the auction houses. Compared to this, Assam CTC tea fetched ₹ 120-130 a kg.

Among all the tea variants in India, the orthodox ones of Darjeeling hold the records in terms of auction and selling prices across the globe. A clonal variety of this tea from the Upper Namring estate recently fetched ₹ 10,000 a kilo in private sales. In March last year, tea sourced from the same estate fetched a record ₹ 40 lakh for 90 kg.

According to the East India Company (now owned by an Indian businessman), “Darjeeling tea enjoys a reputation for being a nuanced flavourful tea. The characteristic most prized in the Darjeeling First Flush is its fresh earthy notes and delicate floral aroma-similar to those observed in the finest green teas”.

So far, the GI has only been implemented in Germany, blending and wholesale hub in Europe for this tea. Although the GI agreement and patent was given a little over three years earlier, producers had asked German authorities for some time to fully roll it out. Industry officials said the move to implement the GI tag had to be in phases, as close monitoring from the originating gardens to the auctions to retailing was needed.

“While the German authorities had conceded to us, that stop-gap is lapsing this November. From that month, all tea marked ‘Darjeeling’ and carrying the logo has to be genuine tea,” as per Ajay Kichlu, Director of Chamong Tea Exports.

The increase in price will help the industry battle rising input costs and wages. It is also hoped to promote ecology-friendlier and organic farming.

“It is also a matter of prestige, as Darjeeling tea was one of the first products from India to receive the GI tag,” as per Shri Bagaria.

Traders who’d been blending Darjeeling tea with cheaper Nepalese variants are poised to be hit. “This will definitely pull up the costs for some blenders,” as believed by the Darjeeling Tea Association.

### **3.5 Need to Review FTAs as Imports Grow More Than Exports**

The Economic Survey has called for a review of India’s free trade agreements (FTAs), saying they have led to more imports than exports.

Citing the proliferation of mega-regional trade pacts as another reason for a review, the survey suggested they include services also for a “definitive assessment”.

“Increased trade has been more on the import than export side, because India maintains relatively high tariffs and, hence, had larger traffic reductions than its FTA partners,” the survey said. It said that most studies on Indian FTAs are based on a ‘before-after analysis’, which fail to isolate the effect of the policy change from trends that would have happened even without the change.

In the current context of slowing demand and excess capacity with threats of circumvention of trade rules, the progress on FTAs must be combined with strengthening India’s ability to respond with WTO-consistent measures such as anti-dumping, duties and safeguard measures.

The Survey also suggested more introspection on support to farmers, mitigating the impact of erratic trade policy, reconciling the ‘big but poor’ dilemma that confronts India in trade negotiations, tracking external environment-led stress and broader trade engagement.

## **IV. IPRs AT THE CAMPUS**

While patenting has been accorded top priority at the Intellectual Property Management Centre (IPMC) of the University, new activities have also been undertaken as discussed briefly below:

### **4.1 Registration of Extant Variety**

The Protection of Plant Varieties & Farmers’ Rights Act (PPV & FR Act) 2001, envisages registration of new varieties, farmer varieties and extant varieties. Dr. Y.V. Singh and Dr. Hari Har Ram (Retd.) of the Department of Vegetable Science have developed a variety of pea viz. Pant Sabji Matar-3 (PSM-3). This variety has been very popular with farmers and as such it has been decided by the Central Variety Release Committee to have this variety registered.

Consequently the University has filed an application for the registration of this variety with PPV & FR Authority at New Delhi.

#### **4.2 Registration of a Trade Mark for the University Seeds**

Pantnagar is not only famous for education and its students, but also for the seeds, produced on its Crop Research Centre, Vegetable Research Centre and University Farm. Farmers since the beginning of the Green Revolution in 1960's travel from far off places for the seeds of this University. As such the seeds of Pantnagar have considerable brand value. With a view to safeguarding the interest of farmers and the brand value of the University, Hon'ble Vice-Chancellor has decided that the seeds of the University be sold under the trade name viz. 'Iaruxj fo'fo|ky; cht effective from March 2016. The IPMC has since submitted an application for the registration of this trade mark on the 14<sup>th</sup> July, 2016 with Trade Marks Registry, New Delhi.

#### **4.3 A New Course on IPR for P.G. Students**

As desired by the Vice-Chancellor and with the approval of the Academic Council of the University, a new course on IPR viz. **Intellectual Property Rights AGP 615 (2 credits)** has been introduced for P.G. Students. The course being offered from this semester, is a two credit hour optional course and aims at familiarizing the students about various IPRs viz., patents, trade marks, copyright, industrial designs, plant variety certificate/registration, Geographical indications and so on. Through this course, it is hoped that the culture of protection of intellectual properties will get firmly entrenched in the minds of the University students.

#### **4.4 Proposals for Patents under considerations**

Proposals from the Deptt. of Clothing & Textiles and Deptt. of Foods & Nutrition of the College of Home Science and from the Department of Molecular Biology & Genetic Engineering, Deptt. of Biophysics and Deptt., of Microbiology of the College of Basic Sciences & Humanities are under process at the IPMC. Thus very soon a good number of applications will be ready for submission to Patent Office from this University.

**Dr. Mangla Rai**  
**Patron-Vice Chancellor**

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