



# Conquer Mains Challenge - Day 13

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## **India's UNSC Bid:**

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### **Why in News?**

India and other G-4 nations have called for transparency in negotiations on UN Security Council reform, underlining that countries and groups making proposals, specifically on veto and regional representation, should be named in the documents framed for the discussions.

### **Introduction:**

United Nations (UN), especially the UN Security Council (UNSC), must reflect contemporary global realities. For this purpose the reform of the UN including the expansion of the UNSC in both permanent and non-permanent categories is essential. During the 71 year history of the UN, Security Council reform has been a much demanded and debated subject.

### **Why UNSC reforms are required?**

- ***Global politics has changed a lot*** - as regards its power, structure, rules, and norms since the formation of the UN. The world has witnessed a redistribution of power and emergence of new power centres, along with a transformation from the era of colonialism to that of post-colonial independent states. Existing membership and functioning of the UNSC reflects the realities of a bygone era.
- As a global institution to promote international peace and security, ***the UNSC is***

*not responding to changes taking place in the world.* The only change hitherto has been an increase in the number of non-permanent members in the UNSC from six to ten, that too as far back as 1965.

- Another criticism is that that *the permanent panel in UNSC lacks representation from Africa and Latin America.*

### **What reform measures need to be taken?**

- Reforms to the UN Security Council would require benevolence of the permanent members of the Security Council.
- Modern challenges take the concerted efforts not just of governments, but also of whole societies, and so wider society could be more involved in the diplomatic process.
- Transparency in the working of diplomats is a useful adaptation for pathway to progress.
- There is need to consider options of opening the process, so that others are aware of what is it that stops the current discussions from even beginning on the path of a negotiating text.
- Reform of the Security Council includes looking into membership categories, adding more permanent members- presently five countries are permanent members and the council's working methods.
- India is among the nations proposed to be added as a permanent member.
- Adequate presence of developing countries is needed in the Security Council.
- Nations of the world must feel that their stakes in global peace and prosperity are factored into the UN's decision making.
- There must be an inclusive approach based on transparent consultations.
- UNSC reform is not only about expansion, which is just one area, but also encompasses other issues of veto and improvement in working methods.

### **Previous attempts:**

- **In 1992**, a promising reform move was initiated in the form of a General Assembly Resolution, which highlighted the three major criticisms raised as regards the Council — lack of equitable representation, unresponsiveness towards new political realities and domination of Western states.
- **In 1993**, a General Assembly resolution established an Open-ended Working Group (OEWG) to discuss SC reform. Most reform proposals revolved around the five core issues of "membership categories, the question of the veto held by the five permanent members, regional representation, the size of an enlarged Council, and Council working methods.

However, even after negotiations for more than two decades, there exists a huge difference of opinion among members on these issues.

### **Challenges in reforming the council:**

***The UN's rules state that changing the composition of the P5 involves changing the UN's charter—making this, and other similar moves, difficult.*** To succeed, it would also require the backing of two-thirds of the General Assembly – including the current P5 and, as we have seen, this in itself is a huge hurdle.

The organisation has, in terms of participation, been a huge success and its involvement in international affairs does carry significant weight. But ***the divide between the General Assembly and the Security Council is marked.*** GA delegates complain of a lack of transparency in the Security Council and even the non-permanent members can find themselves literally locked out when the P5 wishes to discuss matters alone.

***Political will among the more senior states is also delaying the advancement of any of these plans*** and problems unrelated to UN reform continue to cause friction among the rest of the UN's members.

***Three among the five permanent members of the Security Council are still against Council reform*** that would entail a change in their present status. The possibility of changes in the positions of the US and Russia are unlikely since they are in a state of relative decline. Since it is their current status in the Council that provides them pre-eminence on issues related to international peace and security, they are not expected to support any move that reduces their say in global politics.

***It is also unrealistic to think that China would give up its present privileged status in the UN,*** even as it seeks greater influence and presence in global politics as a rising power.

### **Plan B- alternative?**

In 2004 at the behest of the then UN secretary general, Kofi Anan, the 16-member High Level Panel On Threats, Challenges, and Change convened to produce ***a blueprint for Security Council reform.***

***Two options were proposed by the panel:*** one suggested adding six new permanent members without veto power, with a further three non-permanent seats; the second would add eight seats, renewable every four years, also without veto power and with one new non-permanent seat.

### **Solution proposed by coffee club:**

Another plan along similar lines, although bureaucratically more complex, came from a group within the organisation known as Uniting for Consensus (formerly known as the Coffee Club). This includes Italy, Spain, Turkey, South Korea, Mexico and Argentina and it has put forward proposals which again seek a more representative UNSC.

In 2005, the group called ***for expansion of the non-permanent membership while retaining the current permanent composition***; there would also be no expansion of the veto. The additional members would be elected by the General Assembly, with due regard to 'the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution'.

***Composition:*** Within that, ***there would be six from African states, five from Asia, four from Latin American and the Caribbean, three from western European and 'other' states and two from eastern Europe.***

***Election of members:*** The non-permanent members would be elected for two-year terms by their regions and there would be the possibility of immediate re-election. This plan was refined in 2009, suggesting further seats which could be occupied for an extended term of three to five years.

***Benefit of this system:*** The benefit of this system would be that the new seats would be allocated by region, with the actual state occupying the position decided by the regional group. Again while not reforming the P5 it would give more security to the rotating group, providing longer terms in office, building up confidence and institutional memory and therefore providing a better service regionally and globally.

### **What India has to say?**

The Indian position is that this ***"democracy deficit in the UN prevents effective multilateralism"*** in the global arena. The way the UNSC handled — or failed to handle — some of the recent crises would underscore the soundness of the Indian position.

### **Why India should be given a permanent seat in the council?**

- It is ***the world's largest democracy and Asia's third largest economy.***
- The ***Indian Army is the largest contributor to the UN peacekeeping mission*** since the inception of the mission.
- ***India's foreign policy has historically been aligned with world peace, and not with conflicts.***
- As a permanent member of the UNSC it will be able to play ***a larger role concerning pressing international issues.***

### **What are the efforts made by India for its quest for being represented in the permanent category?**

- India along with Brazil, Japan and Germany (together known as the G-4) has proposed expansion of the membership of the UNSC in both the permanent and non-permanent categories.
- Separately, India is spearheading a group of around 42 developing countries from Asia, Africa and Latin America - called the L.69 Group - which has demanded urgent action on the UNSC reform front.
- India is also pursuing the matter through bilateral channels with our interlocutors.

A large number of countries have supported India's initiatives for reform of the UNSC as well as endorsed its candidature for permanent membership. India has also received support from several other multilateral groupings including BRICS and IBSA.

### **What is the U.S. stand?**

US told all members of the UN that it is in support of Security Council reform, **as long as its veto power is not taken away**. However, the new candidates were only demanding the same veto power for themselves, and the U.S. and other permanent members were firm in rejecting such demands.

### **What is stand of other four permanent members on UNSC reforms?**

- Among the permanent members, the opinion of France was closest to India's in the sense that it supported the addition of five new permanent members, including India, without any objection to veto being extended to them.
- The U.K. supported the G-4 without the power of veto.
- Russia, an old supporter of India, was non-committal
- China indicated that the time had not come for any serious negotiations on the subject.

### **What lies ahead for India:**

Given the consistency of the P5's positions in the past and the minimal progress towards reform during the last two decades, there are three possible scenarios regarding India's quest for permanent membership in the Security Council.

***First, India takes the leadership of reform calls*** and actively and relentlessly



pushes other countries in that direction. Its latent power, remarkable economic growth, rapidly increasing defence capabilities, status as a nuclear weapons power, and contributions to UN peacekeeping all give it the right and privilege to assume such a responsibility. However, looking at India's engagements with the UN combined with its growing indifference towards multilateralism in the recent past, such a development is unlikely.

***The second option is to push for Security Council reform without changing the current status of veto power.*** Since having a seat without veto is almost similar to not having a place in the Council, the likelihood of such a move from India is even less.

***The final possible scenario is for India to accept the fact that, given the current pace and momentum, Security Council reform is never going to happen*** and to consequently search for alternatives to push the agenda of emerging powers. Given the miserable fate of such alternatives, for example, BRICS and its uncertain future, this option would also be a great gamble.

### **Way ahead:**

On too many issues of global concern, the United Nations faces gridlock. The Security Council, embodying as it does the post-war oligopoly in its permanent membership, desperately needs reform to empower the wider world and to improve its effectiveness. But those with their feet under the table are reluctant to give way.

The adoption of a UN General Assembly resolution to begin discussions on UN Security Council reform has revived hopes of progress on a long-pending issue. Reform will need to address equitable representation, categories of membership and veto power if the Council is to retain its legitimacy.

### **Conclusion:**

Overall global influence is now pivoting towards Asia and away from the West, meaning the composition of the UN Security Council reflects a post-World War II colonial system that is woefully outdated but still powerful. If states do not see their grievances addressed, they may be minded to take their quest for justice to their regional representatives. Should this happen, then the pressure to reform the UNSC may decrease but such an eventuality could arguably diminish the status of the body too. Perhaps this vista is what may herald a change. Meaningful reform of the Council to make it more representative and democratic would strengthen the UN to address the challenges of a changing world more effectively.

### **Flow of Thoughts:**

- What is the role of UNSC?
  - Need for reforms?
  - Why should India's demands be considered?
  - Other possibilities.
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## **China-Pakistan Economic Corridor:**

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### **Why in News?**

Sidelining India's opposition, China and Pakistan are going ahead with the CPEC project. India's opposition has gone unheeded. Pakistan-occupied Kashmir (PoK) has begun to figure prominently in India's policy repositioning. Also, India's stance on CPEC has graduated from one of calculated silence to that of diplomatic resistance.

### **What is CPEC?**

It is a 3,000-km corridor linking China's far-western region to Pakistan's south-western Gwadar port on the Arabian Sea. It runs through Pakistan-occupied Kashmir (PoK).

It is massive project of road, rail, energy schemes, pipelines and investment parks.

### **Why is China interested in the project?**

- It will serve as a terminal for China to pump oil procurement from Persian Gulf.
- It will strengthen China's connectivity with neighbouring countries and an initiative set to aid strategic framework for pragmatic cooperation between the nations.
- The corridor would transform Pakistan into a regional hub and give China a shorter and cheaper route for trade with much of Asia, West Asia and Africa.
- It will provide about 10,400 MWs of electricity and gives China direct access to the Indian Ocean and beyond.

### **What is Pakistan's interest in CPEC?**

**Under the '1+4' cooperation framework of CPEC,** '1' represents 'CPEC' and the 4 includes Energy, Gwadar Port, Transport Infrastructure and Industrial cooperation. The Chinese investments are supposed to boost Pakistan's 274 billion dollar GDP by over 15 percent.

**Energy needs of Pakistan:** The large scale energy production has been termed as the biggest breakthrough of the project. Energy projects such as Karot Hydropower project, Karachi Nuclear power plant and World's largest solar power plant in Pakistan's Punjab Province etc are part of this initiative that can double Pakistan's energy capacity.

**Infrastructure development:** Like any other developing country Pakistan is also suffering due to lack of basic infrastructure facilities. With CPEC, Pakistan expects infrastructural enhancement which includes construction of a 2,000 km of road and rail network worth 10.63 billion dollars.

**Employment Opportunities:** This corridor promises huge employment opportunities to all sections of the society.

**Away from Western Influence:** CPEC provides Pakistan with an opportunity to work closely with a more reliable friend China independent of Western influence especially the US.

### **What are the major concerns for Pakistan?**

**The presence of Chinese army in Pakistan:** The Pakistani Army had set up a special division to provide security for Chinese workers in Pakistan involved in CPEC-related projects. In addition to this, thousands of Chinese security personnel are deployed in Pakistan to provide security to Chinese workers in Pakistan. This can create a threat to the sovereignty of Pakistan.

**Internal Conflicts:** The insurgent groups in Baluchistan are opposing CPEC as it disturbs the ethnic distribution of the region. This poses a threat to CPEC as Gwadar port which is situated in Baluchistan holds the key to the success of the corridor. Any further unrest in the area could completely destabilise Pakistan and its geopolitical interests.

**Terrorism:** The banned terrorist organisations in Pakistan poses a serious threat to the project. It may also hamper the relations with China in the long run.

**The role of India:** Pakistan believes that India is keen on sabotaging CPEC by funding and training insurgency elements in Baluchistan.

**Hambantota Project Experience:** The Sri Lankan Govt has taken billions of Dollars in loans from China for Hambantota projects which are also part of OBOR initiative. Now as we see, Sri Lanka is left at the mercy of IMF to pay back China's hefty loans. In the



same way, lack of transparency regarding the interest rates and other terms may leave Pakistan in the same situation.

### **Why is India worried?**

***Runs through PoK:*** The corridor runs through India's claimed PoK. Both India and Pakistan are at loggerheads for many years now over the question of who owns PoK.

***Undermine India's position in Indian ocean:*** CPEC rests on a Chinese plan to secure and shorten its supply lines through Gwadar with an enhanced presence in the Indian Ocean. Hence, it is widely believed that upon CPEC's fruition, an extensive Chinese presence will undermine India's influence in the Indian Ocean.

***Threat of a stronger Pakistan:*** It is also being contended that if CPEC were to successfully transform the Pakistan economy that could be a "red rag" for India which will remain at the receiving end of a wealthier and stronger Pakistan.

***Trust deficit:*** India shares a great deal of trust deficit with China and Pakistan and has a history of conflict with both. As a result, even though suggestions to re-approach the project pragmatically have been made, no advocate has overruled the principle strands of contention that continue to mar India's equations with China and Pakistan.

### **Opportunities for India in the project:**

The corridor opens up a major new global trade route, not just for Pakistan and China, but also for India which is quite strategically located on the corridor. It may see positive spillover effects from burgeoning trade with West Asia or Africa.

### **Why should India support this project?**

- India should stop making intermittent and tentative overtures and instead adopt a robust policy on PoK. Quite clearly, India's non-endorsement or indifference to China's Silk Road proposal appears to be short-sighted thinking, perhaps stemming from suspicion and insecurity.
- Also, India can do little to stop the CPEC. Almost all the countries in the subcontinent are excited about the project. India's non-participation would lead to isolation and loss of clout at the regional level.
- Being the world's second largest economy and India's largest trading partner, New Delhi is unable to ignore China anyway. To be sure, CPEC may be carrying security undertones but India also requires massive infrastructure investment and only China seems to have the surplus capital. Without partnering with China, India's integration in Asian regionalisation would be less than smooth.

- Chinese companies are building infrastructure in India and there is little difference whether one gains by helping or limiting China's influence. It cannot be in India's interest to support the project and not reap all the economic benefits of those projects. It is important to establish a fine balance between economics with security.
- India also cannot ignore the significance of the symbolism of history. After all, it was the Silk Route on which Indian trade and philosophy (Buddhism) travelled to the rest of Asia. As China is fast transforming internally, the imperatives of cultural affinity will demand closer propinquity between India and China.
- Thus, staying outside cannot be to India's advantage. New Delhi needs to re-conceptualise and seek new realities on the ground. China has called upon India to join the Silk Route and India should respond positively while accepting a trade-off here and there.
- A wise approach would be to join the regional networking process just as India joined the Asian Infrastructure Investment Bank (AIIB). There is nothing wrong in exploring CPEC as an alternative as long as India's security interests are not compromised.

### **How can India strengthen its position?**

- Japan and India can build ***rail and road connectivity*** across the Eurasian landmass running parallel to OBOR.
- India should focus more on its projects such as ***Sagarmala and North-South Transport Corridor***. But at the same time we must express our concerns with BRI and should have a clear and firm stand on CPEC and BRI.
- The ***Asia Africa Growth Corridor***, structured to connect East Asia, South-East Asia and South Asia with Africa and Oceania, provides a normative alternative to OBOR with its promise of being more consultative and inclusive.
- ***Project Mausam, Chabahar ports*** projects need to be implemented effectively.
- India now needs to match ambition with commensurate augmentation of its capacities that allows it to be a net security provider in the Indian Ocean region.
- Chinese railways, highways, ports and other capacities can serve as catalysts and platforms for sustained Indian double-digit growth.

### **Way ahead:**

The still-evolving debate on CPEC within India is broadly split between exponents and resisters. While a constituency propagates that India must embrace the Chinese connectivity drive, the other holds the idea of India's participation as completely unacceptable because of territorial and strategic interests.

Even as policy makers appear to be struggling to evolve a robust position centred on territorial sovereignty, there is a surge in opinion urging the government to be

moderate and “magnanimous” in adopting “a more flexible approach” while considering its options.

**India must not lose an opportunity** to communicate its concerns to the international community. It also needs to muster efforts to ensure that its territorial position is not diluted further in order to avoid past situations such as Tibet and Aksai Chin. That CPEC assets in PoK are not used militarily against India during war is a further source of concern for the security establishment and whether India should seek China’s assurance on the same forms an element of thinking in this category.

### **Conclusion:**

Only by respecting the sovereignty of countries involved, can regional connectivity corridors fulfil their promise and avoid differences and discord. China is a country which is very sensitive on matters concerning its sovereignty.

So, it is expected that they would have some understanding of other people’s sensitivity about their sovereignty. Meanwhile, India must uphold its specific reservations on the project and draft a strategy to revert suitably in case CPEC is offered formally through official channels. Till things crystallise further, India must wait, watch, weigh and exercise options at hand, and allow the confusion to prevail some more as the ambitious project, shrouded in layers of uncertainty, rolls out.

### **Flow of Thoughts:**

- What is CPEC?
- Benefits of the project for China and Pakistan.
- Concerns of India.
- What can India do?
- India’s significance in Indian ocean region.

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### **Intellectual property(IP):**

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#### **Why in News?**

Global drug brands led by US companies have been pushing for changes to India’s intellectual property rules for quite some time now. They have often complained

about India's price controls and marketing restrictions. Also, an IPR policy is important for the government to formulate incentives in the form of tax concessions to encourage research and development (R&D). It is also critical to strengthen the Make In India, Startup and Digital India schemes.

### **What are Intellectual Property Rights (IPRs)?**

- They are **legal rights**. They result from intellectual invention, innovation and discovery in the industrial, scientific, literary and artistic fields.
- Under these rules, an individual or group to the moral and economic rights of creators in their creation.

### **Why have an IPR?**

IPR is required to safeguard creators and other producers of their intellectual commodity, goods and services by granting them certain time-limited rights to control the use made of the manufactured goods. It gives protection to original ideas and avoids the commercial exploitation of the same.

### **Types of IP:**

#### **1. *Patents:***

- it is granted to new, useful, and non-obvious invention.
- It is an exclusive right to commercially exploit the invention for certain period of time (generally 20 years)
- It is an incentive to innovate and invent and sustain R&D.

#### **2. *Copyright:***

- Given for creative and artistic work. e.g. books, movies, music, paintings, photographs, softwares etc.
- Have exclusive right to control reproduction or adoption of such work for certain period of time.

#### **3. *Trademark:***

A distinctive sign used to distinguish the products or services of different business.

#### 4. *Industrial design:*

Protects the form of appearance, style or design of an industrial objects like spare parts, furniture etc.

#### 5. *Geographical Indications:*

It is granted to famous products which are generally originate from specific geographical location. The climate, soil and the native efforts of the region account for their fame, utility and qualities. It can be granted to a community or group or an institution that represents the interest of the product for specific period of time (generally 10 years).

E.g. Basmati Rice, Darjeeling Tea, Kolhapuri Chappal, Mysore Sandal etc.

### **The famous and widely acknowledged law in the international context on IPR is TRIPS:**

What is it?

- TRIPS is an international agreement administered by the World Trade Organization (WTO), which sets down minimum standards for many forms of intellectual property (IP) regulations as applied to the nationals of other WTO Members.
- It was negotiated at the end of the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) in 1994.
- TRIPS requires WTO members to provide copyright rights, covering content producers including performers, producers of sound recordings and broadcasting organizations; geographical indications, including appellations of origin; industrial designs; integrated circuit layout-designs; patents; new plant varieties; trademarks; trade dress; and undisclosed or confidential information.
- The agreement also specifies enforcement procedures, remedies, and dispute resolution procedures.

### **How are the IPR and Patent rules changing the global corporate landscape?**

While patent protection is getting stronger in all sectors in a large number of countries, the conditions for its grant are becoming greatly relaxed. Not only do such patenting requirements allow companies to claim patents more broadly but also patents can be claimed on all possible inventions (and discoveries).

A large number of countries have already foregone many degrees of policy freedom by signing up to 'TRIPS-Plus' standards of protection.

### **What is TRIPS-Plus?**

- TRIPs Plus are higher level of protection norms demanded by the developed countries that are not prescribed by the WTO's TRIPs regime.
- Although they are named as 'TRIPS-Plus,' they are not formally related to TRIPs. Rather, the term is used to indicate that these requirements go beyond the minimum standards imposed by TRIPs.
- Many developing countries who are members of FTAs are under pressure to enact these tougher conditions in their patent laws. The developing countries have concerns over the higher level of protection demanded by the developed world.
- They fear that once such levels of protection are given multilaterally, it will reduce competition and may lead to price rise of medicines, affecting health security in poor countries.

### **Development of Intellectual property rights in India:**

India has been a World Trade Organisation (WTO) member since 1995. WTO member nations must include some IP protection in their national laws. This means that if you are doing business with India, you will find some similarity between local IP law and enforcement procedures, and those enforce in the UK.

### **Chronological development of IPR in India:**

- 1947: Patents & Designs Act, 1911.
- 1995: India joins WTO.
- 1998: India joins Paris Convention/PCT.
- 1999: Patent amendment provided EMR retrospectively from 1/1/95.
- 2003: 2nd amendment in Patents Act.
- Term of Patent – 20 years after 18 months publication.
- Patent Tribunal Set up at Chennai.
- 2005: Patents (Amendment) Act 2005.
- 1999 - 2005: Plant Varieties and Farmers' Rights Act & Biodiversity Act. Designs, TM/Copyright Acts updated GI Registry set up at Chennai. IP Acts TRIPS Compliant.

### **What is the National IPR Policy?**



- It is a vision document aiming to create and exploit synergies between all forms of intellectual property (IP), concerned statutes and agencies.
- Setting in place an institutional mechanism for implementation, monitoring and review, it aims to incorporate and adapt global best practices to the Indian scenario.

### **The Seven objectives of IPR Policy:**

1. ***IPR Awareness:*** To create public awareness about the economic, social and cultural benefits of IPRs among all sections of society.
2. ***Generation of IPRs:*** To stimulate the generation of IPRs.
3. ***Legal and Legislative Framework:*** To have strong and effective IPR laws, which balance the interests of rights owners with larger public interest.
4. ***Administration and Management:*** To modernize and strengthen service-oriented IPR administration.
5. ***Commercialization of IPRs:*** Get value for IPRs through commercialization.
6. ***Enforcement and Adjudication:*** To strengthen the enforcement and adjudicatory mechanisms for combating IPR infringements.
7. ***Human Capital Development:*** To strengthen and expand human resources, institutions and capacities for teaching, training, research and skill building in IPRs.

### **Key features of the policy:**

***Financial support:*** The new policy calls for providing financial support to the less empowered groups of IP owners or creators such as farmers, weavers and artisans through financial institutions like rural banks or co-operative banks offering IP-friendly loans.

***Monitoring and review:*** The work done by various ministries and departments will be monitored by the Department of Industrial Policy & Promotion (DIPP), which will be the nodal department to coordinate, guide and oversee implementation and future development of IPRs in India.

***Updation:*** The policy, with a tagline of Creative India: Innovative India, also calls for updating various intellectual property laws, including the Indian Cinematography Act, to remove anomalies and inconsistencies in consultation with stakeholders.

***Funding support:*** For supporting financial aspects of IPR commercialisation, it asks for financial support to develop IP assets through links with financial institutions, including banks, VC funds, angel funds and crowd-funding mechanisms.

***Protection:*** To achieve the objective of strengthening enforcement and adjudicatory mechanisms to combat IPR infringements, it called for taking actions against attempts

to treat generic drugs as spurious or counterfeit and undertake stringent measures to curb manufacture and sale of misbranded, adulterated and spurious drugs.

**Review:** The policy will be reviewed after every five years to keep pace with further developments in the sector.

### **Against the world order:**

According to the policy, India will retain the right to issue so-called compulsory licenses to its drug firms, under “emergency” conditions. Also, the government has indicated that there is no urgent need to change patent laws that are already fully World Trade Organization-compliant. So, India has resisted pressure from the US and other Western countries to amend its patent laws.

### **How will this policy help India gain confidence from other countries?**

***It will safeguard the interests of rights owners*** with the wider public interest, while combating infringements of intellectual property rights.

***Time period for trademark registration will be brought down to one month.*** This will help in clearing over 237,000 pending applications in India’s four patent offices.

***It promotes R&D*** through tax benefits available under various laws and simplification of procedures for availing of direct and indirect tax benefits.

***Expanded scope:*** Unlike earlier where copyright was accorded to only books and publications, the recast regime will cover films, music and industrial drawings. A host of laws will also be streamlined — on semi-conductors, designs, geographical indications, trademarks and patents. The policy also puts a premium on enhancing access to healthcare, food security and environmental protection.

***Policy will provide both domestic and foreign investors a stable IPR framework*** in the country. This will promote a holistic and conducive ecosystem to catalyse the full potential of intellectual property for India’s growth and socio-cultural development while protecting public interest.

### **Major Issues:**

While the IPR system in India comprises of strong Intellectual Property laws but it has many loopholes as it lacks effective implementation, for which “least priority given to adjudication of IP matters” is often quoted as a reason.

**Major challenge is to inform the enforcement officials and the Judiciary** to take up issues of Intellectual Property rights, at par with other economic offences, by bringing them under their policy locator.

**There are also many issues in having an Intellectual Property fund**, which can be utilized for further developing the IP culture in the country.

**Plagiarism is a major issue.** It is the act of theft of another person's intellectual property which comprises of ideas, inventions, and original works of authorship, words, slogans, designs, proprietary information, and using them as own without giving credit to main author or inventor.

**The era of internet:** Today, digital technologies are major tools for creating and storing information for its speed and easy access. Intellectual property rights apply on the Internet but the main issue is to make them enforceable. The ease of reproducing works if they are in digital format is low-cost and there is a near-perfect quality of copies. Publishers argue that the Internet harms their intellectual property interests by fundamentally transforming the nature and means of publications and thus making their works extremely vulnerable to Internet piracy.

### **Way ahead:**

What India needs right now is a clear and tough stance on intellectual property both in domestic policy and at the multilateral level. Supporting IP standards that simply follow a 'winner takes all' ideology without emphasis on technological advancement and competitive markets will be a regrettable mistake.

However, support for innovation has to be accompanied with instruments that guard against the misuse of market power, coercive bargaining and aggressive merger and acquisition strategies if local firms should survive and flourish.

### **Flow of Thoughts:**

- What are IPRs?
  - Different types of IPRs.
  - How are they protected- globally and domestically?
  - India's IPR policy- need, significance and loopholes.
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