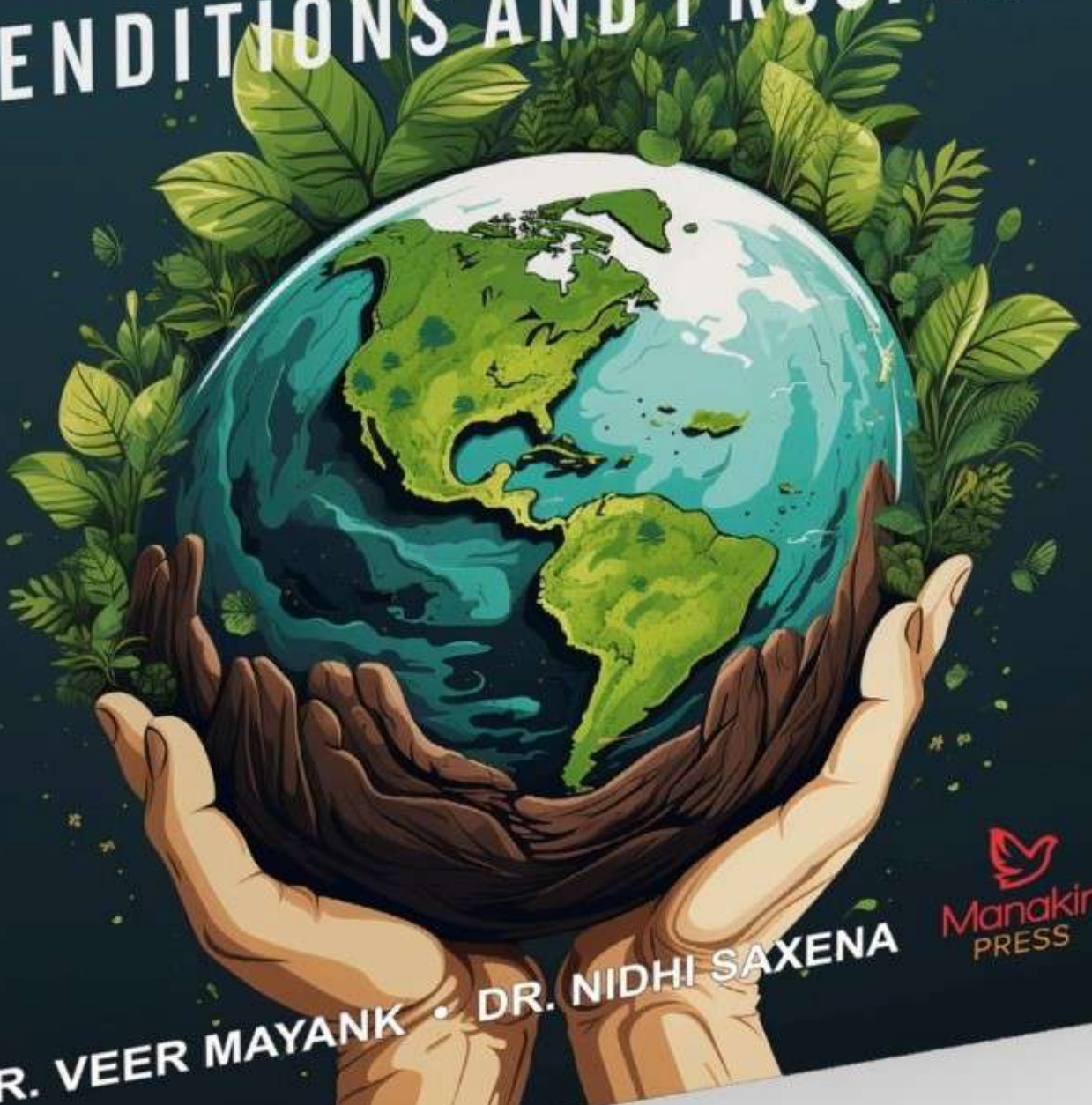


GREENING INTELLECTUAL PROPERTY FOR THE PROTECTION OF ENVIRONMENT:

RENDITIONS AND PROSPECTS



DR. VEER MAYANK • DR. NIDHI SAXENA


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**Greening Intellectual
Property for The Protection of
Environment: Renditions and
Prospects**

Greening Intellectual Property for The Protection of Environment: Renditions and Prospects

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Dr. Veer Mayank and Dr. Nidhi Saxena

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Foreword

The present era is witnessing global environmental deprecations, leading to climate change and biodiversity loss with resultant migrations from affected regions. Emerging and new technologies which are ring-fenced with intellectual property protections would play an important role in addressing the problems resulting from environmental deprecations and also arresting them. The book *Greening Intellectual Property for the Protection of Environment: Renditions and Prospects* offers a timely exploration of this intricate relationship between intellectual property protection to green technologies, and the need to stop and prevent environmental damage. It sheds light on how intellectual property can both foster innovation and present barriers to the dissemination of essential green technologies.

The book *Greening Intellectual Property for the Protection of Environment* is meticulously structured into six sections, each offering unique insights into various aspects of the relationship between intellectual property and environmental sustainability. From examining the transformative impact of green technology in India to exploring the spiritual dimensions of ecological preservation through Buddhism, the diverse perspectives presented enrich our understanding of this vital discourse. The inclusion of ancient wisdom, as reflected in texts like the Matsya Purana and the Panchatantra, underscores the moral imperative to protect our environment, linking traditional values with modern practices.

Intellectual property rights play a dual role when seen through the prism of protection of environment. On the one hand, they incentivize creativity and innovation, driving the development of eco-friendly technologies crucial for addressing pressing environmental issues and on the other hand, these rights can hinder access to such innovations, particularly in less developed regions where the need for sustainable solutions is most acute. This book advocates for a balanced approach that safeguards the rights of inventors while ensuring that the benefits of green technologies are equitably shared across all sectors of society.

In conclusion, the book stands as a comprehensive guide for students, teachers, researchers, academicians, professionals, advocates, judges, non-governmental organisation and public at large. The book would be immensely beneficial in advancing their understanding of law on the topic.

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Preface

Greening Intellectual Property for The Protection of Environment: Renditions and Prospects

“Protection of environment is oftentimes parsed as sustainable development from a constricted and confined viewpoint of development. The historical tensions between the industrialised North and the underdeveloped South are reflected in the topography of the various regimes within the master framework of International Law. This book attempts to uncover the restricted meaning of the protection of environment as well the broad meaning of protection which castigates the emphasis upon development and treats it as situated within the IP regime and thus the book is intended to explore the idea in detail from a variety of viewpoints. The book seeks to delineate the contours of the topography of the regime of intellectual property rights that impinges upon the regime of environmental law through juxtapositioning the two regimes parallel to each other.

The book 'Greening Intellectual Property for the Protection of Environment: Renditions and Prospects' is a significant and insightful collection of chapters that explore the intricate relationship between intellectual property (IP) and environmental protection. Within this remarkable collection, the authors shine a light on the multifaceted ways in which intellectual property laws and regulations can be wielded as instruments for fostering a world that is not only sustainable but also environmentally conscious.

Structured with meticulous organisation, the book boasts a spectrum of chapters that span a broad array of topics, each offering profound insights. From sustainable environmental practices to the dawn of eco-friendly technology, and from the pursuit of environmental justice to the embodiment of corporate social responsibility, this compendium offers an expansive exploration of the intersection between intellectual property and ecological stewardship. Thus, the book explores the issues related to green intellectual property, technological transfer, climate change, sustainable development, emerging liability, transboundary pollution, protection of biodiversity, carbon trading etc. Beyond the aforementioned topics, this book delves into a myriad of other pivotal issues. It stands as an invaluable resource, catering to the needs of both students and scholars who are eager to explore the challenges emerging from the transition into the information age. This compilation of chapters masterfully weaves together a diverse array of insights, portraying how intellectual property acts as a driving force in preserving

VIII Greening Intellectual Property for The Protection of Environment Renditions and Prospects the environment and advancing sustainability. Each chapter provides a unique perspective on the urgent global challenges and underscores the central role that intellectual property mechanisms play in nurturing a more ecologically conscious world.

Amid the dynamic environmental sustainability landscape, intellectual property rights drive innovation towards eco-friendly solutions. "Greening Intellectual Property for the Protection of Environment: Renditions and Prospects" stands as a timely anthology, uniting varied perspectives on leveraging intellectual property to tackle environmental issues. Crafted by eminent contributors, each section offers insights into environmental protection through intellectual property.

The book is organized into six sections: Section 1 - "Environmental Justice and Social Responsibility," Section 2 - "Eco-Tech for Tomorrow's Landscape," Section 3 - "Spirituality, Ecology, and Corporate Responsibility," Section 4 - "Sustainable Solutions for Waste Management," "Green Horizons: Sustainable Construction, Infrastructure, and Farming," Section 5 - and Section 6 - "Eco-Mobility: Sustainable Transportation and Holistic Well-Being."

The first section "Environmental Justice and Social Responsibility" comprises three chapters delving into various aspects, including environmental injustice among incarcerated populations, the integration of green skills in underprivileged communities, intellectual property protection in sustainable farming, and legal perspectives on environmental protection in Sikkim. Chapter 1, titled "Green IP Regime and Environmental Protection in Sikkim: A Legal Overview," authored by Dr. Dilip Pandey, offers a comprehensive analysis of Sikkim's green intellectual property (IP) framework. In Chapter 2, "Locked Out of Justice: Exploring Environmental Injustice among Incarcerated Population," Ms. Anindita Das examines the intersection of prisoners and environmental injustice. Chapter 3, "Incorporation of Green Skills with Soft Skill Training: Creating Awareness about Green Skills in Underprivileged Communities through Soft Skill Training Centres" by Mr. Shuaib Ul Islam, explores the amalgamation of Green Skills with Soft Skill Training in underprivileged communities.

The second section of the book, titled "Eco-Tech for Tomorrow's Landscape," is comprised of three chapters. Chapter 4, "Embracing Eco-Friendly Technology for an Environmentally Sustainable Future" by the editors of the book Dr. Nidhi Saxena & Dr. Veer Mayank, highlights the crucial role of eco-friendly technology in India's environmental sustainability. This chapter explores its transformative impact on reducing carbon emissions, and promoting sustainability. The legal framework for environmental protection is scrutinized, emphasizing the dynamic interaction between eco-friendly technology, legal frameworks, compliance, enforcement, and

environmental concerns. In Chapter 5, "Critical Analysis of Intellectual Property Rights on the Aspects of Environmentally Sound Technologies," Mr. Indra Sapkota critically assesses the relationship between Intellectual Property Rights (IPR) and Environmentally Sound Technologies (ESTs), suggesting solutions such as eco-commons and utilizing trademarks for environmental benefit. In the sixth chapter, titled "Intellectual Property for Environmental Protection," Dr. Pankoj Kanti Sarkar contends that the remedy lies in promoting green patents.

The third section, titled "Spirituality, Ecology, and Corporate Responsibility," delves into the responsibilities of environmental protection through three chapters. Chapter seven, "Buddhism: A Spiritual Way Towards Ecology" by Dr. Purna Bhardwaj, explores the connection between Buddhism and ecology. Chapter eight, within the section "The Scope of Corporate Social Responsibility on Green Intellectual Property," by Mr. Sachin Singh, delves into the significance of Green IP in accomplishing sustainability goals and CSR initiatives. It emphasizes transparency in the ownership and authorization of sustainable technologies, presenting case studies of successful Green IP integration into CSR initiatives. Chapter nine, contributed by Dr. Y.S. Kiran Kumar, advocates for a holistic approach that integrates social, environmental, and ethical considerations to achieve sustainable development goals.

In the fourth section, "Sustainable Solutions for Waste Management," Chapters 10, 11, and 12 focus on the pioneering role of green intellectual property in addressing industrial and chemical waste management. Chapter ten, contributed by Mr. Prasanjit Kumar Dey and Ms. Dipshreeya Das, titled "Green Intellectual Property and Industrial and Chemical Waste Management: Pioneering Sustainable Solutions," explores the significance of Green IP in advancing sustainability, addressing challenges, and proposing potential remedies. Chapter eleven, "Harnessing Green Intellectual Property: A Catalyst for Sustainable Industrial and Chemical Waste Management," authored by Dr. Pradeep Kumar, Dr. Gaurav Gupta, and Mr. Vikramaditya Buddhist, emphasizes the critical role of Green IP in driving sustainability and facilitating the transition toward a circular economy. Chapter twelve, "Green Technology for Sustainable Waste Management in Assam," by Ms. Jahnavi Bhandari and Dr. Nidhi Saxena, discusses the importance of sustainable development and green technology in waste management practices in Assam.

In the fifth section, "Green Horizons: Sustainable Construction, Infrastructure, and Farming", Chapter thirteen, "Role of Green IP in Sustainable Construction: International and Indian Approach" by Dr. Gaurav Gupta and Mr. Abhimanyu Gandhi, explores the growing significance of environmental protection in the construction industry and underscores the pivotal role of Intellectual Property Rights (IPR) in fostering sustainable construction practices.

X Greening Intellectual Property for The Protection of Environment Renditions and Prospects Section Six, "Eco-Mobility - Sustainable Transportation and Holistic Well-Being," features three chapters: Chapter 14, Chapter 15, and Chapter 16. Chapter fourteen, "Sustainable Transportation," introduces green transportation by Dr. Tapan Kumar Chandola and Mr. Ravi Kumar Surtani. Chapter fifteen, "Emergence of Green Technology and Issues of Intellectual Property Rights: A Study in Global Perspective" by Satish Kharwar explores the rise of Green Technology. Chapter Sixteen, "Rights, Health, and Critical Analysis," concludes with a critical analysis of the right to life and health of truck drivers in India.

The anthology seeks to nurture a nuanced grasp of the intricate relationship between intellectual property and environmental sustainability. Each chapter brings a distinctive perspective, enhancing the discussion on innovation, intellectual property, and their role in shaping a more sustainable future.

Our heartfelt thanks go out to the contributors for their invaluable insights, collectively crafting a compilation that intricately intertwines a rich tapestry of knowledge and ideas. The primary aim of this book is to illuminate undiscovered facets of sustainable technology. It holds significance for diverse audiences, including law students, practicing lawyers, and individuals with a keen interest in exploring multifaceted issues. We enthusiastically welcome suggestions to further enrich this book.

It is essential to recognize the pivotal role of our parents in bringing this book to fruition. Our deep appreciation goes to Papa (Prof. (Late) Umesh Chandra, Retd. Head & Dean Dept. of Law, University in Allahabad, Uttar Pradesh) and Mummy Mrs (Late) Maya Mohini for their constant blessings.

We express sincere gratitude for the steadfast guidance and encouragement provided by our parents, Smt. Manju Lata Saxena (Mummy) and Dr. (Prof.) K P Saxena (Daddy), who holds the position of Professor & Head in the Department of Anatomy at Kothiwal Dental College & Research Centre (KDRC), Moradabad. Additionally, special thanks are extended to our siblings for their unwavering support and for fostering a joyful atmosphere during the entire editing process of this book

Dr. Veer Mayank & Dr. Nidhi Saxena
Editors

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HARNESSING GREEN INTELLECTUAL PROPERTY: A CATALYST FOR SUSTAINABLE INDUSTRIAL AND CHEMICAL WASTE MANAGEMENT

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Mr. Vikramaditya Buddhist³

Abstract

In an era where environmental challenges pose an unprecedented threat to our planet, the need for innovative solutions to tackle industrial and chemical waste management has become paramount. In the quest for a sustainable future, the convergence of green Intellectual Property and effective industrial and chemical waste management has emerged as a transformative force. Green IP offers a framework to inspire a paradigm shift by encouraging research and development efforts focused on waste reduction, resource efficiency, and eco-friendly alternatives. By providing inventors and innovators with strong legal protections, Green IP fosters an environment conducive to sustainable technological advancements. This Chapter explores the transformative potential of Green IP as a powerful tool to drive sustainability and facilitate the transition toward a circular economy. Further, we explore the pivotal role of Green IP in driving innovation, waste reduction, and responsible practices across industries. Through a comprehensive analysis of the protection of green technologies, the promotion of circular economy models, and the management of chemical waste, this chapter provides valuable insights into the power of Green IP in shaping a greener world.

Keywords: *Circular Economy, Green IP, Sustainability, Technological Advancement, Waste Management.*

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