

Changing Dimensions of Intellectual Property **Rights and the Legal Culture**

Editor: Dr. Yashfeen Ali, M.A. Ibrahim



Changing dimensions of Intellectual Property Rights and the Legal Culture

Editor: Dr. Yashfeen and Mohd. Ali Ibrahim

Copyright © 2022 by Ayah Media & Publishing Pvt Ltd

All rights reserved. No part of this book may be used or reproduced in any manner whatsoever without written permission of the publishers except in the case of brief quotations embodied in critical articles or reviews.

For information contact:

Ayah Media & Publishing Pvt Ltd

CIN: U74999DL2018PTC341647

A-42, Plot No-1, Vrindavan Apartment, Sector-6, Dwarka, South Delhi-110075

<http://www.ayahpublications.com>

ISBN: 978-81-945369-8-7

Edition: I

Price: 790

ABOUT THE BOOK

Intellectual Property Rights in general refers to the set of intangible assets including invention, creation, and contribution to the contemporaneous field of knowledge which is owned and legally protected by an individual or company from the outside use or implementation without approved consent. The economic growth, financial incentive and motivation for advanced innovations imbedded in the balanced legal protection of Intellectual Property Rights entails proficient, directed and timely updated guidance in the field of Intellectual Property Rights. Intellectual property has increasingly assumed a vital role with the rapid pace of technological, scientific and medical innovation that we are witnessing today. Moreover, changes in the global economic environment have influenced the development of business models where intellectual property is a central element establishing value and potential growth. In India several new legislations for the protection of intellectual property rights (IPRs) have been passed to meet the international obligations under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Intellectual property has therefore grown into one of the world's biggest and fastest-growing fields of law thereby necessitating the demand for IP professionals well versed in this area to deal with (IPRs) across the national and international borders. As you are aware, varied roles are played by the Company Secretaries in the field of Intellectual Property Rights and the present day progressive changes in the IPRs are expanding the gateway of opportunities for the professionals to guide, advice and appear in the matters related to Intellectual Property Rights. The Institute of Company Secretaries of India (ICSI), while persistently playing a pivotal role in building capacities of its members has decided to provide a 360 degree rounded set of learning to the students along with apprising them with the advanced changes in the arena of Intellectual Property Rights and their directed implementation. Therefore, this book has been prepared to provide the Students, Scholars and Academicians with a wide perspective and in-depth knowledge in intellectual property to enable them to get solid grounding in the legislative framework, practice and procedure of the intellectual property protected through patents, trademarks, copyrights, designs and geographical indications.

ABOUT THE EDITORS

DR. YASHFEEN ALI

Dr. Yashfeen Ali is serving as an Assistant Professor in School of Law and Legal Affairs at Noida International University, Greater Noida, India. She has been Assistant Professor in Faculty of Law, Integral University, Lucknow, India. She has worked as a Retainer Lawyer in Orbit Law Firm, Mumbai. She has completed her Graduation (B.A.LL.B) from Aligarh Muslim University, Aligarh, Post-Graduation (LL.M.) from Amity University, Noida and has been awarded Ph.D in Commercial Law from Aligarh Muslim University, Aligarh. Her specialization is in Corporate Laws and Media Laws. She is a Prolific Writer and her numerous Research Papers have been published in various Reputed National and International Journals. She has also presented Papers in Several Conferences Within and Outside India. She is Editor of Two Edited Books namely: "*Law, Public Health, and Pandemic: Changing Dimension of Right to Health*" and "*Emerging Trends in Technology & its Impact on Law*", published in 2022. Currently She is working on other Multidisciplinary Books. Apart from Teaching Skills she has also been associated with Administrative Work as NAAC Criteria III Coordinator, LL.M Course Coordinator and Sports Coordinator.

M.A. IBRAHIM

Judge M.A. Ibrahim, is a serving member of All India Judicial Services. He has completed his B.A.LL.B and LL.M. from Aligarh Muslim University. He has submitted his LL.M. Dissertation on "Crimes Involving Artificial Intelligence and Liability Thereof: A Study". He is a recipient of Hungarian Language and Culture Bilateral State Scholarship in University of Pécs, Hungary. He is an avid researcher and has authored numerous research papers which were published in various reputed journals. He has also contributed chapters in various books. His recent works include publication of a chapter titled, "Tracing the Liability of Virtual Rape within Existing Legal Framework" in the book "Macaulay to Verma: Changing Nature and Dimensions of Indian Penal Code." Besides that, he takes keen interest in Cyber Law, Law and Technology, Cyber Forensics, Personal Law, International Law and Interdisciplinary studies. Apart from his academic accolades, he discharges his duties as Judicial Magistrate First Class in District Judiciary.

CONTENTS

1.	EMERGING PERSPECTIVES ON INTELLECTUAL PROPERTY PROTECTION IN INDIA AND IMPLICATIONS FOR HEALTH INNOVATION <i>- ASHRAF AZMI AND DR. MOHAMMAD AHAMAD.....</i>	5
2.	A DESCRIPTION OF PARALLEL IMPORTS LAW <i>- ADV. MOHD. ZAYED KHAN.....</i>	16
3.	TECHNOLOGY TRANSFER AND CLIMATE CHANGE: EXPANDING THE ROLE OF THE INTELLECTUAL PROPERTY REGIME IN SUSTAINABLE DEVELOPMENT <i>- DR. SYED FARAZ AKHTAR.....</i>	26
4.	IPR PERSPECTIVES IN CREATIVE FASHION <i>- SAMRAH FATIMA.....</i>	40
5.	CYBERSPACE INTELLECTUAL PROPERTY CONCERNS, INCLUDING THE INTERFACE WITH COPYRIGHT AND TRADEMARK LAW AND CONCERNS RELATED TO DOMAIN <i>- SAMEERA KHAN.....</i>	49
6.	AN EXAMINATION OF THE "PERSON SKILLED IN THE ART" (PSITA) AND "PERSON HAVING ORDINARY SKILL IN THE ART" (PHOSITA) STANDARDS UNDER PATENT LAWS ACROSS JURISDICTIONS <i>- AMAAN ALI SHAH.....</i>	64
7.	DECEPTIVE SIMILARITY AS DEFINED BY TRADEMARKS LAW <i>- AKASH TANDON.....</i>	73
8.	THE PLANT VARIETY PROTECTION AND FARMERS RIGHTS ACT, 2001: AN APPRAISAL <i>- WASIM AHMAD.....</i>	80
9.	A SOCIO-LEGAL STUDY ON GEOGRAPHICAL INDICATION <i>- SAIBU EWADE.....</i>	91

10.	CONCEPT OF IPR, ITS PROTECTION AND THE LEGAL CULTURE- <i>MANUJ GAUTAM</i>	100
11.	INTELLECTUAL PROTECT RIGHTS: PREVENTION OF CREATIVITY- <i>AISHA DAHIRU CIROMA</i>	104
12.	COPYRIGHT INFRINGEMENT CASES AND ITS CONCEPT WITH SUBSTANTIAL SIMILARITY - <i>AHMAD AMAAN</i>	117
13.	PATENTABILITY OF PHARMACEUTICAL PRODUCTS AND IT'S CHANGING DIMENSIONS - <i>SHELJA SINGH</i>	129
14.	ROLE OF IPR IN CYBER WORLD - <i>ZAIN MAJID</i>	137