



INTELLECTUAL PROPERTY RIGHTS (2007). By Sreenivasulu N.S. (ed.) Regal Publications, F-159, Rajouri Garden, New Delhi -110027. Pp. xviii + 302, Price Rs. 800/-

IN RECENT years intellectual property (IP) has gained a lot of attention. Its importance in international trade relations has been well recognized by the global community with the inception of TRIPS agreement. The academic, industrial and commercial importance of IP is ever increasing with the revolutionary changes which TRIPS brought about. At the same time, it is equally important for common men who come across diverse intellectual properties, in the form of literary, artistic or musical work or products with trademarks, from dawn to dusk.

The book under review is a collection of articles on IP. The book is segmented into ten thematic parts comprising of 18 articles on varied forms of IP in which eight articles are authored by the editor himself. The editor has arranged the articles in a sequential order beginning with a conceptual approach, then moving to various kinds of IP, the impact of information technology on IP and ending with a note on post TRIPs scenario. The book also has a part consisting of case studies in specific forms of IP.

The article on patents<sup>1</sup> outlines the Indian patent system. Though it deals with patentable inventions, pre-requisites for patentability, procedure to acquire and maintain a patent etc., the article is silent on certain important aspects, viz., exploitation of patents, transfer of rights, infringement and remedies. A brief narration of these aspects certainly would have given the reader a composite picture of Indian patent law. Patentability of computer program and biotechnology inventions is dealt with in a separate article.<sup>2</sup> With the help of case laws the author discusses the patenting of software and biotechnology inventions including human genetic material and biotechnological processes. The reference to various foreign decisions indeed would create interest in the subject and prompt the reader for further reading of the cases referred. Describing the theory of 'patentability of non-natural and human made living beings' the author also tries to

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1. Preethi Venkataramu, "Protection of Invention: A Bird View of Patent Laws in India," in N.S. Sreenivasulu (ed.), *Intellectual Property Rights* 27-45 (2007).

2. N.S. Sreenivasulu, "Patenting the Inventions of Information Technology: New Trends in Patent Law," *id.* at 46-59.



provide necessary fundamental information to the reader regarding patenting of various life forms including micro organisms, plants, animal, human cells, genes, DNA sequence etc.<sup>3</sup>

The discussion on plant variety protection<sup>4</sup> provides the reader with information relating to important statutory provisions for registration and protection of plant varieties in India. The author has presented in a simple way, the essential and peculiar features of the Protection of Plant Varieties and Farmers' Rights Act, 2001. However, apart from a brief sketch of historical aspect, the article is confined to discussions on statutory provisions. Similarly, articles on industrial design<sup>5</sup> and integrated circuits<sup>6</sup> mainly concentrate on statutory provisions though the end notes provide some case citations on designs.<sup>7</sup>

The topic copyright is presented through two articles, one being a general appraisal of copyright law in India<sup>8</sup> and the other on copyrights in computer technology.<sup>9</sup> The former provides a basic idea as to the acquisition and transfer of copyright and neighbouring rights. The latter offers to the reader the arguments for copyright protection for computer program. The author raises certain fundamental issues involved in the effective protection, *viz.*, lack of definition of the concept of originality which makes it difficult to determine infringement of computer program, (ii) lack of clear boundary between idea and expression, and (iii) fixation of computer program.<sup>10</sup> It is further suggested that within the sphere of copyright law there must be comprehensive mechanism to control privacy and there should be wider scope in copyright law for covering exclusively computer programs and copyright in the internet.<sup>11</sup>

The articles on trademark protection undoubtedly deserve a special attention. The author has done a marvelous job in depicting both national

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3. *Ibid.*, "Patenting Genetically Modified Life Forms: Patenting of Life," *supra* note 1 at 287- 299.

4. Subha Mathai, "Protection of Plant Varieties and Farmers' Rights under Intellectual Property Regime in India," *id.* at 60-75.

5. Soumya M. S., "The Law on Industrial Designs in India," *supra* note 1 at 117-130.

6. Sreenivasulu N. S., "Intellectual Property Rights in Integrated Circuits and Semiconductor Chips," *supra* note 1 at 221-233.

7. Sreenivasulu N. S., *Intellectual Property Rights*, *supra* note 1 at 129-30 (2007).

8. Nagarathna A., "Protection of Copyrights: An Appraisal of Copyright Law in India," in N.S. Sreenivasulu (ed.) *supra* note 1 at 79-103.

9. M.S. Benjamin, "Copyright and Computer Technology: New Trends in Copyright Law" in N.S. Sreenivasulu (ed.) *supra* note 1 at 104-114.

10. *Supra* note 1 at 111.

11. *Id.* at 112.



and international legal aspects of trademark protection<sup>12</sup> and new trends in trademark jurisprudence.<sup>13</sup> However, while portraying the new trends including registration of collective mark, certification mark, textile mark, service mark, well-known trademarks and domain name, the article has no reference to the modern trend in the global trademark industry in registering the unconventional/ non traditional trademarks such as olfactory, sound, tactile, gustatory marks etc.

The contributions on trade secrets<sup>14</sup> and post TRIPS scenario<sup>15</sup> are adequately covered. The book presents (as the titles of the articles indicate) three case studies: Geographical indications,<sup>16</sup> bioinformatics<sup>17</sup> and pharmaceuticals.<sup>18</sup> These articles together help the reader to gather certain illustrations of geographical indications in India, significance of bioinformatics and product patent regime. The author reminds the government regarding its obligation to guarantee the common man access to necessities at affordable prices and states that “we cannot support market extremism in the form of product patents and exclusive monopoly in particular over the necessities disregarding the health and welfare of the societies.”<sup>19</sup> By including an article on traditional knowledge,<sup>20</sup> the editor covers all relevant allied areas of IP.

The book is a good addition to the library since it provides a preliminary understanding of the substantive law to the reader as to the different branches of IP with a blend of new developments. Printing errors are negligible if not totally absent. Over reliance on online encyclopedias is apparent in some articles.<sup>21</sup> The price of the book is slightly on the higher side as the substantive content of the book runs into 302 pages. The

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12. Chandrakanthi L., “Protection of Trademarks: An Overview of Trademark Law in India,” *supra* note 1 at 133-158.

13. *Ibid.* “New Trends in Trademarks”, *supra* note 1 at 159-170.

14. N.S. Sreenivasulu, “Protection of Trade Secrets: The Legal Regime on Trade Secrets in India” in N.S. Sreenivasulu (ed.) *supra* note 1 at 173 -184.

15. N.S. Sreenivasulu, “Impact of TRIPS on Intellectual Property Laws in India: A Post TRIPS Scenarios,” *supra* note 1 at 237-252.

16. *Ibid.*, “Geographical Indications: A Case Study,” in N.S. Sreenivasulu (ed.) *supra* note 1 at 206-218.

17. Sriramamurthy Boppana, “Intellectual Property Rights in the Corporate World: A Case Study of Bioinformatics,” *supra* note 1 at 255-265.

18. N.S. Sreenivasulu, “Patenting of Necessaries: Pros and Cons: A Case Study of Product Patenting of Foods (Agricultural Products) and Pharmaceuticals,” *supra* note 1 at 275-286.

19. *Id.* at 284-285.

20. C. B. Raju, “Intellectual Property Rights and Traditional Knowledge,” *supra* note 1 266-274.

21. See for example, *supra* note 1 at 232.



book's format, layout and typography are excellent for which Regal Publications deserve to be complimented.

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