From the Editor’s Desk

IPR is a relatively new area of research and study in India but its growing very fast. More and more law courses and independent post graduate courses are being devoted to the study of intellectual property rights. JIPR in the Indian context is the common platform to bring together diverse ideas under a common umbrella and allow researchers to interact with each other. It is significant that JIPR is the first journal of its kind to be started in India and remains the only one which publishes consistently original quality articles that are peer reviewed.

Over the period of sixteen years since its inception (in 1996), the journal has undergone several changes, both in content and size keeping in pace with the changing global scenario. The journal has continued to re-invent itself and keep abreast of the latest developments by introducing new columns periodically and bringing out special issues on contemporary topics. Currently there are two columns by internationally acclaimed IPR specialists including Trevor Cook, a partner from Bird & Bird Attorneys in UK and Deli Yang, a UN Consultant for IP from USA and more will be introduced in the coming years. Several special issues on the topics: Technology Transfer with IPR in September 2005, Patents and Emerging Technologies in January 2007, TRIPS and the Pharmaceutical Industry in September 2008, IPR and Agriculture in March 2011 have been brought out so far.

The present July 2012 issue is one with invited contributions from eminent authorities on IPR who are also the Editorial Board members for JIPR. The members have spared their precious time to contribute the paper in their area of specialization.

The papers covered in the issue include: Post-TRIPS Thrust Triggers for Indian Pharmaceuticals in the IP Context by Gopakumar G Nair et al. The paper discusses mainly about the after effects of TRIPS on Indian pharmaceuticals.

IP Protection of Software and Software Contracts in India: A Legal Quagmire! by S K Verma examines the Indian law on legal protection of software and takes stock of the types of software contracts and the nature of licences that are generally entered into by the parties.

How IPRs, like Nature, Abhor a Vacuum, and What Can Happen When They Fill it - Lacunae and Overlaps in Intellectual Property by Trevor Cook discusses about some situations where there are lacunae and overlaps in intellectual property.

TRIPS and Access to Affordable Drugs by M D Nair mainly discusses about problems of access to medicines which are related to non-availability of disposable income among the population to meet their medical needs as well as the high and unaffordable prices of drugs.

People tend to use brands and marks interchangeably due to their similarities, but such is not the case. The paper, Marks and Brands: Conceptual, Operational and Methodological Comparisons by Deli Yang et al. examines systematically the similarities and differences between the terms marks and brands in terms of conceptual, operational and methodological manners taking account of history and international dimensions.

In the paper, Overview of Changes to the Indian Copyright Law, Zakir Thomas discusses about the Copyright Amendment Act, 2012 in order to make the Indian Copyright Act, 1957 compliant with the Internet Treaties, WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT).

Exhausting Copyrights and Promoting Access to Education: An Empirical Take by Shamnad Basheer et al. argues that legal policy ought to favour principles of free market competition, unless evidence suggests that the gains from such competition are outweighed by the harm to the copyright owner and the growth of the national publishing industry. The authors also argue in favour of retaining Section 2(m) of the Indian Copyright Act, 1957.

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