

MEMORANDUM OF UNDERSTANDING FOR COOPERATION
BETWEEN
THE GOVERNMENT OF INDIA
AND
THE WORLD INTELLECTUAL PROPERTY ORGANIZATION
(WIPO)

The Government of India and the World Intellectual Property Organization (WIPO) hereinafter referred to as "the Parties";

Considering that India is a member of WIPO and party to several treaties administered by WIPO,

Recognizing that the strategic use of intellectual property could contribute significantly to the national development objectives of India,

Considering that the mandate of WIPO is the promotion of intellectual property (IP) throughout the world through international cooperation,

Taking note of the strong and active cooperation that has existed between the Government of India and WIPO for many years in the development of intellectual property,

Desirous of further strengthening this cooperation to achieve the common goal in respect of promoting IP and its use for social, cultural, economic and technological development,

Have agreed to enter into a Memorandum of Understanding for Cooperation between the parties as follows:

Article 1
Objective

The main objective of this Memorandum of Understanding, hereinafter referred to as "the MOU", is to strengthen cooperation between the Government of India and WIPO, through a more intense, active and systematic organization and conduct of joint activities that will promote the goal of using IP for economic, social, cultural and technological development in India.

Article 2 Implementation

For the purpose of implementing the MOU for the Government of India, the Department of Industrial Policy and Promotion shall serve as the executing agency. The executing agency may designate a third entity or entities in India to coordinate functions under, or to participate in, this MOU.

WIPO shall cooperate in providing assistance to the Government of India and to designated third parties in India, through its nominated executing agency, according to the respective mandates of the Parties.

Article 3 Areas of Cooperation

Bearing in mind the objective stated in Article 1 of the MOU, the areas of cooperation shall include, but not be limited to, the following:

- (i) The implementation of national IP and Innovation strategy in the context of India's national development priorities.
- (ii) Technology transfer to address global challenges in the areas of health, food security, climate change and environment, etc.
- (iii) Empowering knowledge creators such as inventors, creators and entrepreneurs, universities, research and development institutions.
- (iv) Awareness on IP as a critical tool for promoting innovation and creativity and public outreach activities, at the national, sectoral and organizational levels.
- (v) Role of IP in generating, accessing, managing and commercializing new technologies as well as promoting technology transfer.
- (vi) Strategic use of trademarks, geographical indications and industrial designs for promoting enterprise competitiveness and market access.
- (vii) Use of the copyright system for promoting creativity, particularly in the digital environment, including collective management of copyright and related rights.
- (viii) Strategic management and use of IP by enterprises, particularly SMEs.
- (ix) Education, training and research in the field of IP including cooperation between the WIPO Worldwide Academy (WWA) and the National Institute for Intellectual Property

Management (NIIPM) of India, taking into account the Agreement between WIPO and the Ministry of Human Resource and Development dated September 26, 2006.

- (x) IP issues regarding traditional knowledge, genetic resources and traditional cultural expressions.
- (xi) Establishing and modernizing an efficient and service-oriented IP administration.
- (xii) Enhancing respect for IP.
- (xiii) Utilizing global protection systems, such as the PCT.
- (xiv) The exchange of patent and trademark data for inclusion in the respective databases of the parties.
- (xv) Any other area to be decided upon by the Parties.

Article 4 **IP Development Action Plan**

Cooperation activities under the MOU will be implemented on a mutually agreed manner.

The IP Development Action Plan for 2010-2011 has been drawn up between the Parties, representing the activities identified as priority areas of cooperation for implementation under the MOU during the said period and is annexed. This Action Plan will be kept under review by the Parties and may be modified with their express mutual agreement.

Article 5 **Funding**

Nothing in this MOU shall be taken as creating any financial obligation for either Party, prior to such obligations being mutually and expressly agreed by the parties, as provided above and according to their respective budgetary availabilities.

Article 6 **Evaluation**

The Parties agree to undertake a review and evaluation of the implementation of the MOU every two years after its entry into force, with the view to further enhancing cooperation activities and mechanisms.

**Article 7
Modification**

This MOU may be amended by the mutual written consent of the Parties.

**Article 8
Effective Date, Duration and Termination**

This MOU will come into effect upon signature and will remain in force until it is terminated either by mutual consent of the Parties or by one Party giving the other Party written notification of its intention to terminate the MOU.

Signed in NEW DELHI on 13th NOVEMBER 2009 in two original copies in English.

FOR THE GOVERNMENT OF
INDIA

FOR THE WORLD
INTELLECTUAL
PROPERTY ORGANIZATION

Hay Shankar

HAJAT SHANKAR
SECRETARY
DEPARTMENT OF
INDUSTRIAL
POLICY AND PROMOTION

Francis Gurry

FRANCIS GURRY
DIRECTOR GENERAL

ANNEXURE**WIPO - India Action Plan 2010-2011**

S.No.	Activities Proposed	Tentative Schedule for implementation
1.	Capacity building for effective functioning of Indian ISA/IPEA	
	Expert Mission from WIPO to be deputed to assist and advise on effective functioning of Indian ISA/IPEA	2 nd half of 2010
2.	Capacity building of National Institute of Intellectual Property Management	
i.	Structuring of training course/curriculum and material for newly recruited patent and trademark examiners	1 st half of 2010
ii.	Training for the faculty of NIIPM, Nagpur and conducting refresher programmes for IP officials	2 nd half of 2010
iii.	NIIPM to be made a part of the WIPO Global Network of IP Academies to enable linking with other academies in the world.	2011
3.	Activities to create/promote IP Awareness	
i.	Organization of seminars on IP awareness for industrial clusters with special focus on collective marks and certification marks	One roving seminar (in 3 or 4 cities, each in 2010 and 2011)
ii.	One regional and one national roving seminar for registered proprietors of GI and prospective GI Owners particularly focusing on effective utilisation of GI and its role in business development. Well known GI owners from across the world may be involved for experience sharing with the Indian GI owners.	One seminar (one regional, one national) in 2010 and 2011 respectively
iii.	National Conference on IP and SMEs with special focus on export sector	Details to be decided
iv.	Sensitization roving workshops for IP	Details to be decided

	enforcement officials (Customs, Judges, Senior State Police Officers and other enforcement agencies)	
v.	IP Sensitization workshop for faculties of Indian Institute of Management, National Institute of Technologies and Indian Institute of Technology (Four programmes)	Details to be decided
vi.	WIPO Roving Seminars on Industrial Designs with emphasis on the Hague Agreement	Dates to be confirmed
vii.	4 Roving seminars under PCT	2 each in 2010 and 2011 respectively

4th Training Programmes on Trademarks and Patents

i.	Training of examiners of Trademarks and seminars in awareness on Madrid Protocol Procedures, grounds of refusal, training of examiners in Nice classifications & Vienna codification of goods & services	Details to be decided
ii.	Training of Patent Examiners on International Patent Classification (IPC)	Details to be decided
iii.	Specialized field wise training (biotechnology, chemicals etc.) on patentability and examination procedures	Details to be decided
5	Traditional Knowledge and Genetic Resources	
i.	An inter-regional seminar on Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions to enable stakeholder consultations	During 2010
ii.	Cooperation between WIPO and CSIR/AYUSH in promoting the TKDL model in other countries	Details to be decided
6	Patent information	
i	Assessment of dissemination of Patent information in India and way forward	2010

ii	The exchange of patent and trademark data for inclusion in the respective databases of the parties.	Details to be decided
7	Copyright and Related Rights	
i.	WIPO Conference on copyright and digital environment and the focus on enforcement policies (including on technology solutions for avoidance of copyright infringement)	2 nd half of 2010
ii.	WIPO roving Workshops with Copyright Collective Management Societies in India.	2 nd half of 2010
8	Small and Medium Enterprises	
i.	Translation in regional languages of the four IP booklets for Business Series publications	Details to be decided
ii.	Hindi and Regional language versions of IP Panorama	Details to be decided
iii	Customization of IP panorama with reference to Micro, Small and Medium Enterprise especially Pharmaceutical, biotechnology and ICT sectors	Details to be decided
9	IP Office Modernization	
i.	Assessment of IT infrastructure for International bench marking with best Global IPOs	Details to be decided
10.	Training of Trainers	
	Training of trainers in IP for educational, technical and scientific institutions in India	One each in 2010 and 2011

Note: The Action Plan is indicative of the activities that are contemplated during the period, will evolve from time to time and is subject to revision/amendment on the basis of suggestions from either side.

Exact number/Schedule of implementation of programme will be firmed up after consultations.