



# CONSILIENCE 2016

## A CONFERENCE ON OPEN ACCESS & IP

'OPEN SESAME: UNLOCKING IP TO  
UNLEASH THE COMMONS'



conceptualized by:



Law & Technology  
Society, NLSIU



# OPEN SESAME: UNLOCKING IP TO UNLEASH THE COMMONS

**Open Access** is now part of our IP vocabulary, thanks to a powerful campaign in the last few decades. Building on the success of the open source movement in software, the open access philosophy is predicated largely on the notion of “freedom” from IP related restrictions. Today, it finds resonance in a number of diverse areas such as educational content (Khan Academy), encyclopedias (Wikipedia), publishing (PubMed), biotechnology (BiOS) and lately, even pharmaceuticals and drug discovery (OSDD).

Thus far, the IP vs open access debates have focused on two core issues:

## i) **Access to Knowledge Goods at Affordable Prices (A2K)**

IP rights often lead to monopolistic pricing, causing loss of consumer welfare and sharp inequities; particularly so in developing countries where most consumers are unable to afford excessively priced drugs or books. Open access on the other hand, yields content that is relatively more affordable for the average consumer.

## ii) **Closed vs Open/Collaborative/Shared (Creative) Process**

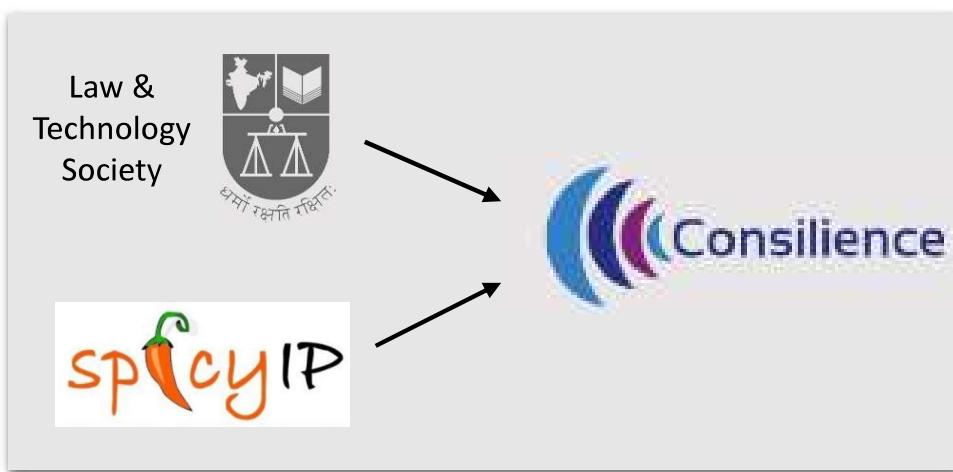
While an IP driven innovation model is closed, secretive and bounded, an open source/access process is relatively more open, collaborative and unbounded, drawing far more participants and talent, tending to result in a more diverse array of creative expressions.

Further, most IP regimes don't leave much room for tinkering and improving upon/remixing the existing IP good. Contrast this with an open access model, which fosters more freedom on this front, permitting a wide range of improvements on the parent product.

# Consilience:

## A Joint Conference by the Law and Technology Society and SpicyIP

In order to revisit these core issues and generate fresh perspectives, the Law and Technology Society at NLSIU and SpicyIP have come together under the “Consilience” banner. This thematic conference on IP and open access will also mark ten years of the birth of SpicyIP and its fight for openness/transparency in the IP/innovation ecosystem.



In particular, this joint conference seeks to foster newer areas of enquiry as outlined below:

### i) The Developing Country Dimension

Most discussions around IP and open access revolve around “developed countries” and their specific socio-economic context. To this extent, the frame fails to account for developing countries and their concerns. Illustratively, while developed countries take “bandwidth” for granted, developing countries may face serious issues on this front, preventing them from meaningful participation in the open access movement (which largely relies on content publication/ dissemination via the internet).

This conference will therefore bring some attention to the developing country dimension and deliberate on the current frame and how it might need to be adapted and/or overhauled.

## **ii) Fostering Openness within IP Regimes**

The classic IP vs Open Access frame is predicated on the notion that IP regimes are inherently “closed”. While this may hold true (to a significant extent), it fails to account for the potential openness in IP regimes. In other words, IP regimes could be pried open to foster greater levels of openness and transparency.

One could even argue that openness lies at the heart of IP regimes; for it is the sine qua non for the grant of the right in the first place. Illustratively, patents are to be compulsorily disclosed and published, should the applicant desire a twenty-year monopoly protection. Such disclosure is meant to aid the public in accessing and working the patented invention, and learning from it in the process. And yet, not many have focused on this important disclosure function of patents.

Further some regimes such as the Indian patent regime mandate that all patentees to compulsorily disclose the extent to which they have translated their patent into commercial wares and “worked” it. Failing such working, the patented invention could be subject to a compulsory license. Unfortunately, this provision meant to shed more light on the patent innovation nexus and the extent to which patents serve the public interest is currently observed more in the breach.

Similarly, provisions such as compulsory licensing aim to permit competitors to access patented technology in a bid to produce more accessible and affordable technological wares and serve the public interest better.

Though far from ideal, an effective deployment of these various provisions is likely to yield an IP regime that is far more “open” and “transparent” than is currently the case. Developing countries that are newer entrants to the patent land-space and have less of an entrenched IP centric system possess far greater latitude to experiment and unleash more openness within their IP regimes.

# THEMES

## 1. Open Innovation

- From Software (OSS) to Drug Discovery (OSDD)
- Patent Disclosure/ Experimental Use
- Open Standards and Licensing (SEP issues)
- Compulsory Licensing and a Compensatory Commons
- Informal Economy/Grassroots Innovation/TK Issues

## 2. Open Education

- Open Access Journals and India
- Inclusive Open Access for Developing Countries

## 3. Other Issues

- Open Law/Policy
  - Transparency in IP (open patent data)
- The Future of the Commons: Opportunities and Challenges



A diverse range of speakers from India and abroad will present on the aforementioned issues. While the conventional frame around the IP and open access will be revisited, the key thrust will be in exploring newer dimensions i.e. the developing country perspective and the potential for openness within IP regimes.

Join us for an exciting two days where we try to make some sense of this polarizing debate that goes to very heart of what it means to be a knowledge economy!

# ABOUT US

## CONSILIENCE

‘Consilience’ is the annual flagship conference of the Law and Technology Society of National Law School of India University, Bangalore. This year, the Conference will be jointly hosted by the Law and Technology Society, and SpicyIP, India’s premier blog in intellectual property and innovation law and policy.

Consilience provides a platform for some of the best minds in law and technology to gather, brainstorm and deliberate on the most challenging issues at the interface of law and technology. Apart from the intellectual stimulation, Consilience provides a platform for the framing of concrete policy suggestions that could then be taken up with the government of India or at various international fora.



Previous editions of the Conference have focused on themes such as **‘Net Neutrality’, ‘Cloud Computing’, ‘Internet Intermediary Liability’, ‘Data Protection’ etc.**

Past speakers have included eminent stalwarts such as:

- Richard Stallman (Founder – GNU Project)
- Montek Singh Ahluwalia (Deputy Chairman, Planning Commission of India)
- Amitabh Lal Das (General Counsel, Yahoo India)
- Rajan S. Mathews (Director General, Cellular Operations Association of India)
- Kris Gopalakrishnan (Co-Founder, Infosys & President, CII)
- Deepali Liberhan (Manager, Public Policy, Facebook)
- Gulshan Rai (Director General, CERT-In, Government of India)
- Jacob Appelbaum (Former Spokesperson, WikiLeaks)
- Justice S. Ravindra Bhat (Judge, Delhi High Court)
- Kiran Jonnalagadda (Founder, HasGeek.com)
- Nikhil Pahwa (Founder, MediaNama)
- Prof. Rahul De (Hewlett-Packard Chair Professor, IIM Bangalore)
- Sunil Abraham (Executive Director, Centre for Internet and Society)



In addition to the above, Consilience attracts some of the best legal brains in the country, drawn from top law firms such as Khaitan & Co., Amarchand Mangaldas, Nishith Desai and Associates etc. Our YouTube channel is available at: [www.youtube.com/ConsilienceNLS](https://www.youtube.com/ConsilienceNLS)

## **THE LAW AND TECHNOLOGY SOCIETY**

The National Law School of India University (NLSIU), Bangalore is India's premier legal institution. Set up in 1987 to improve the standard of legal education in India, the University set the trend of integrated 5 year B.A., LL.B. courses in India. There are a number of research centres and cells instituted in the University, which indulge in intensive research and provide assistance in policy formulation in different areas of law. The University periodically organizes symposiums, conferences and training programmes to discuss and debate on various contemporary legal issues.

The Law and Technology Society is a student run committee, actively engaged in promoting research, awareness and scholarship in the field of Technology Law. In furtherance of its mandate, the Committee regularly organizes various lectures, panel discussions, conferences, and competitions, among other events, at the national level.

## **SPICYIP**

SpicyIP, rated as India's leading IP blog, aims to democratize the discourse around intellectual property. Founded in 2005 by Prof. Shamnad Basheer, an IP academic and consultant, the SpicyIP team today comprises an Editor in Chief and a team of over 10 analysts and fellows.

Through its independent reporting of Indian IP and innovation cases/events, SpicyIP seeks to foster transparency in Indian intellectual property policy and institutions. It is also committed to enriching the public domain by providing free access to IP decisions, laws and regulations, parliamentary reports and other information that is not otherwise accessible. SpicyIP has vigorously advocated for the opening up of IP data (particularly patent data) in the past.

For its bold reportage and advocacy campaigns to enhance transparency in Indian IP, SpicyIP was felicitated by the Managing IP as one of the Top 50 Most Influential IP Personalities for the years 2011 and year 2013. SpicyIP's founder, Prof. Shamnad Basheer, was ranked as one amongst the top 50 Most Influential Personalities in 2014. He was also awarded the Infosys Prize 2014 in Humanities, for inter-alia his work in democratizing the discourse around IP through SpicyIP.

This year, SpicyIP completes its tenth anniversary and what better way to celebrate than through an open access conference, a core value that lies at the heart of the SpicyIP mission.

# SPONSORSHIP REQUIREMENTS

Each year, the conference benefits from the generous support of select sponsors. Some of our past sponsors have included IBM, Google and Nasscom.

This year, our broad budgetary requirements are approximately Rs. 10.5 Lakhs. This will broadly cover the following heads: accommodation and travel expenses for invited speakers including student speakers, as well as venue and food costs. We aim to encourage student participation by providing free registration, airfare and accommodation to students whose high quality paper are selected for presentation.

S.No.	Particulars	Estimated Cost (INR)
1.	Accommodation for Speakers for 3 Nights at the NLSIU Training Centre	100,000
2.	Flight Costs (around 5 International Speakers, 10 National Speakers from outside Bangalore and 6 Student Speakers)	5,00,000
3.	Local Transportation (Cabs for local speakers, transportation to and from airport, to and from the dinner venue, bus for volunteers etc.)	50,000
4.	Venue Costs (Infrastructure, Video Conferencing etc.)	50,000
5.	Food and Beverages (Breakfast, Lunch, Dinner, Tea for all Speakers and Delegates)	2,50,000
6.	Website Creation and Maintenance	10,000
7.	Banners and Posters	20,000
8.	Publication of the Conference Books	20,000
9.	Stationery, Participation Folders and Mementoes	30,000
10.	Miscellaneous Expenses (including telephone expenses, courier expenditure, pre conference travel etc.)	20,000
	<b>Total</b>	<b>10,50,000</b>

## WHAT WE OFFER YOU

- An opportunity for a representative of your choice to speak and present a paper during all topic tracks (paper will form part of official conference proceedings)
- Branding on Conference Backdrop and Luncheon
- URL link through logo on the official Conference web site, visible on all pages of the site including the homepage.
- Regular updates and promotion of the organisation through Facebook Page of the Law and Technology Society.
- Logo on all promotional material.
- Visibility through press publicity in print media.
- A joint publication with National Law School comprising key policy recommendations.
- Organisation's logo on invite documents distributed to various universities and colleges
- Distribution of promotional kits or booklets to participants at Consilience.
- Option of setting up stalls at the conference.
- **Income Tax Exemption under s. 80G(2)(a)(iiif), Income Tax Act, 1961.**

## BENEFITS FOR PARTICIPANTS

- A platform to present ideas to some of the best minds in law and technology.
- An opportunity to engage with leading policy makers, industry titans, academicians, and the media.
- A platform to participate in the formulation of policy recommendations
- An occasion to interact with the faculty and student body of NLS.
- An opportunity to be a part of something that has a lasting impact beyond the mere two days of intellectual stimulation that the conference promises.

# **ABOUT US**

If you wish to collaborate, please contact the undersigned.

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## **SpicyIP**

1. Kartik Chawla (8466929980)

2. Shamnad Basheer (9818825148)

Email: [shamnad@gmail.com](mailto:shamnad@gmail.com)

[www.youtube.com/ConsilienceNLS](https://www.youtube.com/ConsilienceNLS)