



SECOND INTERNATIONAL SEMINAR

On

HEALTH, HUMAN RIGHTS &
INTELLECTUAL PROPERTY RIGHTS

Theme 2016: TRADITIONAL KNOWLEDGE

OCTOBER 21-23, 2016

ORGANIZED BY

CENTRE FOR HEALTH LAW AND POLICY (CHLP)

CENTRE FOR HUMAN RIGHTS (CHR)

CENTRE FOR INTELLECTUAL PROPERTY RIGHTS (CIPR)



THE NATIONAL UNIVERSITY OF ADVANCED LEGAL STUDIES

Kochi

About The National University of Advanced Legal Studies

The National University of Advanced Legal Studies, (NUALS) was established by Act 27 of 2005 of the Kerala State Legislature. Prof. (Dr.) Rose Varghese is the present Vice-Chancellor of the University. Ever since its inception, a strong commitment to excellence in teaching and research has made the NUALS a path-setter for several other Universities.

One of the core strengths of NUALS has been human resource training. NUALS offers five year integrated BA. LL.B (Hons), One year LL.M. programme and PhD. Being at the helm of legal education for over a decade, NUALS has ventured in advanced legal research and training by offering a plethora of Post Graduate Diploma courses. NUALS is located in Cochin, the industrial hub of Kerala and one of the most industrially significant locations in South India, making it ideal to act as a liaison between the scientific and research communities, prominent industries as well as educational institutions in developing a nationally significant law database and platform for action.

NUALS has undertaken several initiatives to bring legal radiance to the masses like conducting legal awareness classes, surveys, legal aid camps with active participation from the State Legal Services Authority (KELSA). Also, the University has established many centres of study and research to make the study of law relevant to social needs and encourage focused research.

ABOUT THE ORGANIZERS

Centre for Human Rights (CHR)

Human Rights is one of the most debated and ironically enough, largely neglected aspects that fall under the purview of law. The establishment of the Centre for Human Rights at NUALS was done with the goal to stimulate discussions on the concept of human rights and how the law can be used in the service of human rights. The Centre aspires to organise its efforts to develop a culture of human rights through its various legal initiatives. The Centre will work to bridge the knowledge in legal, social and cultural realms that impede the achievement of greater human rights compliance.

Centre for Intellectual Property Rights (CIPR)

Realising the importance of IPR, the 'Centre for Intellectual Property Rights' (CIPR) was established to promote Intellectual Property awareness in the society, and to encourage research in the emerging arena of Intellectual property. The twin primary goals of the Centre are to enhance research and expertise pro-actively in novel and emerging fields of intellectual property law, as well as to become a source of information and expertise on the subject to stakeholders such as inventors, research institutions, universities, industries as well as intellectual property practitioners, policy-makers and regulators.

Centre for Health Law and Policy (CHLP)

The Centre for Health Law and Policy is an interdisciplinary centre and it aims to encourage, promote and support innovative scholarship including teaching, research, consultancy and advocacy in areas of health care law. The activities of the Centre includes fostering collaborative links across institutions and fields related to health law, alliance with professional associations and bodies engaged in promotion of health of people, undertake research projects on various issues coming under health law and policy, organize training programme for targeted groups, sponsoring conferences, seminars, workshops, lectures and other similar activities, arranging visits of distinguished scholars from India and abroad.

Our Initiative

The Centre of Health Law and Policy (CHLP), Centre for Human Rights (CHR) and Centre for Intellectual Property Rights (CIPR) have always collaborated to reconnoitre potential inter-linkages between their specific domains of knowledge and had successfully organized in 2015 its first *International Seminar on Health, Human rights and Intellectual Property Rights, Theme 2015: Access to Medicine and Novel Medical Technologies*.

First International Seminar on Health, Human Rights & Intellectual Property Rights

The very successful *International Seminar on Health, Human rights and Intellectual Property Rights*, Theme: Access to Medicine and Novel Medical Technologies was held on 17th -18th of August, 2015. Many eminent scholars of international and national repute were key speakers at this event. Prestigious members of the academia Dr. Calvin Ho, Faculty at the Centre for Biomedical Ethics in the National University of Singapore and WHO Consultant, Dr. Unni Karunakara, former International President (2010-2013) of *Médecins Sans Frontières* (MSF), Dr. Vesselin Popovski, member of the Academic Council of United Nations System (ACUNS) and former Senior Academic Programme Officer, United Nations University, Tokyo, Dr. Thomas Scharff, Faculty, University of Darmstadt, Leena Menghaney, South Asia Head of the MSF Access to Medicines Campaign, Dr. Bismi Gopalakrishnan, Director, Dr. B. R. Ambedkar Chair (Centre for Human Rights and Social Justice), Department of Law and Assistant Director, Centre for Global Academics, University of Kerala, Dr. Habib Hasan, faculty at the Public Health Foundation of India and Aashna Mehta, Research Associate with the Public Health Foundation of India made the event an intellectually stimulating and memorable one with their presence and substantial contributions.

The sessions of the International Seminar straddled a wide range of issues beginning with the niche area of access to medicines and extending to fundamental problems with the global health care system itself, with technical sessions highlighting various national rights. Our mission was broad and inquisitive in nature. There were 26 scholarly presentations from different Colleges and Universities across India. The discussions and deliberations were engaging and the level of interdisciplinary exchange was intense and thought-provoking and laid down important lines of inquiry for future research and deliberations.

SECOND INTERNATIONAL SEMINAR ON HEALTH, HUMAN RIGHTS AND INTELLECTUAL PROPERTY RIGHTS

CONCEPT NOTE

Following its success in 2015, the CHLP, CIPR and CHR under the aegis of NUALS is holding its annual International Seminar with the central theme as Traditional Knowledge in 2016.

This theme is based on the discourse of health, human rights and intellectual property on traditional knowledge, which has evolved through numerous years of regular experimentation on a day to day basis of available resources by communities. Numerous studies have pointed to the increasing significance of such knowledge systems as an integral component of sustainable development in India. The culture and knowledge systems of indigenous people and their institutions provide useful frameworks, ideas, guiding principles, procedures and practices that can serve as a foundation for effective endogenous development options for restoring social, economic and environmental resilience in many parts of the country.

However, today discourses of modernity, science and development at times reject these traditional practices because they lie outside the contemporary paradigms of modern science. The context of the increasingly visible impacts of IPR on the realization of human rights such as the right to health particularly in the context of Art 15(1) of the Covenant on Economic, Social and Cultural Rights, provides a relevant framework for addressing the place of knowledge and intellectual development in a human right context. Human rights, health and intellectual property protection are distinct areas of law and have largely evolved separately over time. Nevertheless, a number of links between these domains can be identified. In the context of the introduction and strengthening of the intellectual property rights standards by the Agreement of TRIPS such rights raises a number of concerns with regard to their impacts on the realisation of human rights in general and the right to health in particular.

Current legal systems in India are inadequate, allowing for bio-piracy and the exploitation of our immense biodiversity and traditional knowledge. Preserving and safeguarding TK has assumed great significance in the recent past and a variety of initiatives are being made across the globe towards achieving the need to protect the traditional knowledge. It is high

time we explore the availability, acquisition, scope, management and enforcement of rights and interests relating to TK and adopt those strategies to develop a legal framework for India.

This conference aims to explore the present framework regarding traditional knowledge and to highlight the possibilities of synergies and exchanges between traditional knowledge, human rights and health from an interdisciplinary perspective. This venture will discuss strategies for generating social, educational, intellectual, and economic opportunities by building relationships that engage, understand, and accommodate differences in the various rights on traditional knowledge, in the related domains of health, human rights and intellectual property rights.

CALL FOR PAPERS

The organisers of the Seminar call upon the legal fraternity, academicians from law and other social science disciplines, research scholars, social activists, representatives of governmental and non-governmental organisations and students of relevant disciplines and other stakeholders to present their well-researched papers at the seminar.

THEMATIC BREAK-UP

Conceptualising the notion of Traditional Knowledge in a Human Rights Perspective

Recognising and Respecting traditional values of human kind – Human Rights Dimensions on Traditional Values - Conflicting zones of Human rights & traditional values – Primacy of Human Rights over Traditional Values - Traditional Values and role of Civilised Society in conservation and preservation of Traditional Knowledge

Defining the nature of Traditional Knowledge - National And International Efforts – Legitimate Scope of protection of traditional knowledge - Constitutionality of protection of TK - Sources of Traditional Knowledge - Methods for Protecting & Conserving Traditional Knowledge - Role of Beneficiaries - Right of Traditional Knowledge Holders - Special Status to Tribal Knowledge - Role of State - Measures to Realize Human Rights of Traditional Knowledge Holders - Socio-Economic Policies to conserve TK - Protecting Traditional Knowledge in the attainment of ultimate socio economic justice - State control of Traditional Knowledge v. Traditional Rights over natural resources - Judicial Expositions

A Systemic Endeavor to Attain Public Health through Indigenous Health Care Systems – A Revisit

Defining the parameters of Right to Health - Role of Traditional Knowledge in securing right to Health - Indigenous Health Care Systems - Biomedicine v. Traditional Medicines -Up Heaving Indigenous Knowledge in Public Health - Traditional Knowledge and Right To Indigenous Health Care - Dilemma's Affecting Public Health and the role of Indigenous Knowledge - Recent Developments - Access To Indigenous Health Care - Health Education - Public Participation- Public Procurement & State Aid In A Regulatory Framework- Benevolence For The Needy

Access to Accessibility and Affordability of TK based Health Care Systems

Challenges in the Realization of Health Right - Standard of Health Care - Subjugated Quality - Standard of Informed Consent – Negligence - Organizational Liability - Liability of Health Professional Under Law of Tort - Judicial Intervention - Scope for Reparation

Measure to Realize Access to Medicine - Recent Developments - Impact of Access to traditional Medicines On Life Expectancy & Mortality Rate - Access to Essential Medicines - Standard & Safety of Materials Used in Health Care - Quality of Drugs - Drug Price Parity & Control Orders and Parameters of Medical Care, Quality of Therapeutic Care in Tools, Drugs, & Institutional Facilities - Safety of Sampling, Detection, Analysis for Treatment, Surgery etc. – Access to Traditional Knowledge based Medical Products & Services - Current trends in regulation of Herbal Medicines - Judicial Interventions

Parameters of & Entree to Indigenous Healing Technologies

Regulating The Quality of Medicines - WHO standards - Addressing A Comprehensive approach towards TK based Health Systems - Technologies for Improved Health – Types - Impact of Innovative Medicines On Health- Access to Healing Technologies- Marketing of Drugs- Diagnosis & Prognosis Unethical & Unnecessary Diagnostic Tests- Policies & State Interventions

Traditional Knowledge based rights: An IPR Perspective

Traditional Intellectual Property Rights- Nature of Protection- Protection of Traditional Knowledge in IPR perspective- Copyright, trademark, Trade Secret, Patent, Geographical Indications etc.-Traditional Cultural Expressions, Folklores, Traditional Medicines and medicinal plants, in Agriculture, fisheries etc.- IP protection for knowledge Holders- Proprietary Rights- Obstacles in affording protection to TK as IP - Comparability

Access to biological resources- Role of State- Alternative Strategies for Protection- Role of independent Regulatory Authorities-Restricting Disclosures -Traditional knowledge in public Domain-Prior Informed Consent-Benefit Sharing Mechanisms-

Research Activities-TKDL- Limitations- Judicial Interventions- Need for a sui generic Legislation

Technological Innovations and the Growing risks in conserving Traditional Knowledge- Need for an Affirmative Action

Commercialization of Traditional Knowledge- Exclusive Right to Patent- Patentability-International Patent System- GATT-TRIPS -Privatization- Marketing- Generic Competition V. Patent Rights- Bio piracy & Prospecting- Misappropriation- Imitation –Need for Sketching Adequate State Policies

Traditional Knowledge: Debating on an Interface between IPR & Human Rights in Realizing Right to Health & Health Care

Patenting Human Health- Legal And Ethical Issues- Conceptualizing Human Dignity for traditional values-Role of National And Sub National Jurisdictions In Generic Substitution of Pharmaceuticals-Strategic Misuse of IPR- Drug Counterfeiting- Public Access To Legitimate Generic Drugs -Bioequivalent Drug- Biodegradable Drugs- Clog On Quality Of Drugs- Prescribing Standards-Price Parity- Data Exclusivity-Patent Thickets- Parallel Imports -Enforcement Measures-Licensing Of Medicines- Resultant human rights violations

Pharma-Patents in Therapeutic & Non Therapeutic Treatments- Medical Diagnosis & Techniques In Identification-Pooling Medicinal Patent- Essential Medicines- Factors Affecting Accessibility and Affordability for securing Human rights- Protecting Traditional Knowledge at Medical Research Labs- Medical Research- Viability In Law & Ethics in conserving TK- Therapeutic & Non Therapeutic Research- Clinical Trials- Novel Expeditions

Emerging Challenges

Conserving Bio diversity in various sectors of Economy-National and International efforts- Measures to protect traditional Knowledge in conserving plant varieties- Food security- Asymmetries & Restraints on Patenting of Indigenous medicines- Biotechnological Revolution -Beneficial Approach

GUIDELINES

- ❖ An abstract not exceeding 500 words shall be submitted for consideration. The abstract shall provide for the scheme of the research paper. It must contain the synopsis of the paper, subtitles and conclusion indicating the author's perspective.
- ❖ Research papers should apply research skills and must highlight specific research problem.
- ❖ Abstracts will be subjected to blind peer reviewed and only those abstracts approved by the reviewers shall be submitted as full paper for the purpose of presentation at the seminar.
- ❖ The final paper must contain cover page a brief profile of the authors with E-mail ID, Contact number and address for communication. The papers must follow a uniform format:
 - Times New Roman, Font Size 12
 - 1.5 line spacing
 - Footnotes should follow 19th edition Blue Book standard of referencing
 - 1-inch margin throughout (left/right/top/bottom)
 - No end notes allowed
- ❖ One Co-author is permitted. Co-author is also required to pay for all the charges as per the prescribed rates for the participation.
- ❖ Presentation of papers can be done only by the authors of the paper.

KEY DATES	
Last date for submission of abstracts	July 10th, 2016
Communication of approved abstracts	July 15th, 2016
Last date for submission of Research Paper	August 20th, 2016
Communication of approved Research Papers	August 30th, 2016
Last date for registration	September 5th, 2016

All submissions shall be made online to hhi@nuals.ac.in

In all matters relating to the acceptance of the abstracts and the research papers, the decision of the Organizers shall be final and conclusive.

Registration

Registration Charges for Academicians/Teachers/Research Scholars and other Participants

: Rs.2000

Registration Charges for Students (UG/PG)

: Rs.500

Accommodation Charges

Room (Sharing) : Rs. 1110 (per day)

Room (Single occupancy) : Rs. 2000 (per day)

❖ Room rent includes complimentary breakfast and dinner

We look forward to receiving your manuscripts as well as your participation and intellectual contribution to the *Second International Seminar on Health, Human Rights and Intellectual Property Rights, Theme 2016: Traditional Knowledge*.

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