
DR. RAM MANOHAR LOHIYA NATIONAL LAW UNIVERSITY, LUCKNOW



PRESENTS

10TH RMLNLU LEGAL ESSAY WRITING COMPETITION AND CONFERENCE ON INTELLECTUAL PROPERTY RIGHTS AND TECHNOLOGY LAW

JOURNAL 
COMMITTEE



Nishith Desai Associates
LEGAL AND TAX COUNSELING WORLDWIDE

INTRODUCTION

The Journal Committee ("Committee") at Dr. Ram Manohar Lohiya National Law University, Lucknow is organising the 10th edition of the RMLNLU International Legal Essay Writing Competition ("RILEC") along with the RMLNLU Conference on IPR and Technology Law.

ABOUT RILEC

Since its inception in 2013, RILEC has expanded to greater horizons and today it is an internationally anticipated event. Every year, the Committee labours to promote legal scholarship. We provide intellectually challenging and contemporarily relevant themes for the legal fraternity to research and write on. During the course of our journey, we have covered numerous themes of law ranging from International Trade Law to Labour Law.

RMLNLU Legal Essay Writing Competition 2022 was the 9th edition of RMLNLU's flagship essay writing event conducted in collaboration with Khaitan and Co. The competition had Labour Law as its main theme and various sub-themes which covered a wide range of issues of contemporary relevance. After receiving numerous outstanding entries and conducting an intensive review procedure, the top 3 participants were invited to present their essays in front of a panel from Khaitan and Co.

The competition augmented the knowledge of many and was successful in its endeavour. Thus, the intention behind organising such an event paid off in the form of increased acuity in the particular field of law and the exploration of fresh perspectives with respect to the various sub-themes.

ABOUT RMLNLU

Dr. Ram Manohar Lohiya National Law University was established in 2006 to match the new challenges in the legal field and to strengthen the vision that was given by the establishment of the first National Law School in the country. The University is committed to providing excellent infrastructural facilities and an environment to advance and disseminate learning and knowledge of the law and legal processes. The University aims to develop in students and research scholars, a sense of responsibility to serve society in the field of law by developing skills in advocacy and legal writing.

ABOUT THE JOURNAL COMMITTEE

The Journal Committee has been constituted with the objective of promoting legal research and writing. The RMLNLU Law Review is the annual peer-reviewed law journal of the committee which runs parallel to the RMLNLU Journal on CMET (Communication, Media, Entertainment, and Technology) Law. Both these journals publish articles, essays, case notes/comments and book reviews from contributors all over the world. To encourage legal research writing in the field of law, the Committee also organises the Dr. RMLNLU International Legal Essay Writing Competition, inviting entries on specific themes. The RMLNLU Law Review Blog is another such initiative of the Committee which provides a platform for people in the field to express their opinions on contemporary legal issues.

ABOUT NISHITH DESAI ASSOCIATES

Founded in 1990, Nishith Desai Associates (NDA) has earned the reputation of being Asia's most Innovative Law Firm and the go-to specialists for companies around the world, looking to conduct businesses in India and for Indian companies considering business expansion abroad. In fact, NDA has been the proud recipient of the Financial Times-RSG award 4 times in a row, (2014-2017) as the Most Innovative Indian Law Firm. Their forte lies in providing innovative and strategic advice on futuristic areas of law such as those relating to Blockchain and virtual currencies, Internet of Things (IOT), Aviation, Artificial Intelligence, Privatisation of Outer Space, Drones, Robotics, Virtual Reality, Ed- Tech, Med- Tech & Medical Devices and Nanotechnology with their key clientele comprising of marquee Fortune 500 corporations.

ABOUT THE JUDGES



AARUSHI JAIN

The panel adjudicating the offline conference will be chaired by Ms. **Aarushi Jain**. Ms. Jain is the Co-Head IP & TMT Practice. She has a rich experience spanning 12 years in areas of Education, Media and Tech corporates, both domestic and international, on legal and regulatory issues. She advises clients on IP advisory, IP Litigation and IP acquisitions deals. She is experienced in working on assignment, licensing, collaborations, joint venture, franchising, and distribution deals.

She also advises clients on regulatory and legal matters as well as assist them in transactions in TMT space. She has assisted some of the top news media companies on content acquisition and licensing deal. She also has vast experience in advising foreign and Indian pre-schools, K-12 schools, colleges, and Edtech players on regulatory and legal issues. She is actively involved in policy making side in this sector and has co-authored several research papers and articles focusing on legal issues in this education industry.

Ms. Aarushi's work and contribution at Nishith Desai Associates has been recognized by RSG Report 2017. It described the same as 'deal oriented' and 'committed'. She has also been described by AsiaLaw 2019 as 'Excellent in work quality'.



APARNA GAUR

The other chair in the panel would be Aparna Gaur. Aparna is the Leader of the IP and TMT team at Nishith Desai Associates. She is integrally involved in IP transactional and advisory work and handles patent prosecution and IP litigation. She has vast experience in advising clients over a wide spectrum of industries in relation to protection and enforcement of their IP. Aparna has authored several articles on complex IP issues in India.

Aparna has represented clients in IP disputes before the Supreme Court of India, the Delhi High Court and lower courts, the Intellectual Property Appellate Board and the Indian Patents Office. Before NDA, Aparna was a part of the litigation team at a leading boutique IP law firm in New Delhi, India where she represented India's biggest generic drug manufacturers in several landmark IP disputes including the Supreme Court's decision in Bayer v. Union of India affirming grant of the first ever compulsory license for a patented product in India. She is also a registered Patent Agent.

THEMES & SUB-THEMES

This year the Committee is inviting original submissions from authors in the form of essays falling within the indicated contours of the theme of the offline conference - “Intellectual Property Rights and Technology Law”. The list of the indicated sub-themes is given below to aid the participants:

1. Intellectual Property theft

Cyber espionage is the carrying out of data theft, especially on the secrets of an adversary company or country. Both, countries and corporations get themselves involved in cyber espionage. Authors may choose to write on country specific tangible cyber espionage attacks or may focus on its probability in future, with regard to existing legal frameworks to protect against them. They may also find whether there exists any framework or legislation to counter this menace in India, and if not, then how can India steer through this challenge. Authors may also analyse the relevant intellectual property act of India and its relevance regarding intellectual property theft by digital means. Likewise, they can also carry out cross-jurisdictional analysis of Statutes, Rules and Regulations that exist around the global with respect to cyber espionage.

2. Metaverse and Intellectual Property Rights

A metaverse is a simulated digital environment that uses augmented reality (AR), virtual reality (VR) along with concepts from digital media. Authors may discuss the scope of the protection of property and image rights, as well as the establishment of efficient dispute resolution mechanisms to resolve disputes arising from infringements of intellectual property rights or breaches of commercial transactions of tangible and intangible assets. Intellectual property issues, ownership issues with respect to in-game items, in-game regulation are much in debates like IPR disputes arising out of gaming companies depicting real-life restaurant companies’ logos and buildings as a part of their virtual gaming experience. Authors may put forth the possible policy-legal suggestions regarding the same.

3. Copyright issues pertaining to Live Streaming of Gameplays, Online Reviews, and Walkthroughs

An increase in the trend of online gaming, streaming, online reviews and walkthroughs can be observed, especially during the COVID era. But this trend also entails a number of different issues pertaining to copyrights as there exists a lack of clarity on rules in the existing legislations which deal with the same. This causes a lot of harm and loss to the creators who rely upon making digital audio-visual content for their livelihood. The main point of contention in such a scenario, such as the one highlighted by the recent controversy between Starladder and CSGO, is whether one can have rights over something just because they have created it, and whether one can override the rights of the creator just because they have bought the rights for a particular time-period or event. Authors can analyse such questions of ownership of rights which arise from time to time in relation to streaming and digital media services. Along with this, the participants can also explore various positions and concepts such as, defining the exclusive rights and demarcations of parties, and providing solutions for the same

4. Technology transfer and Intellectual Property

There exist important gaps concerning the role of IPRs in international technology transfer, particularly in developing countries and countries with economies in transition. Authors can seek to identify ways in which these gaps might be partially filled by suggesting avenues for further research and exploring these topics to obtain a better understanding of intellectual property and its impact on international technology transfer. Authors can analyse how IP protection affects these different modes of transfer alongside the role of foreign direct investment. Questions of technology transfer and commitment to implement Art. 66.2 of the TRIPS Agreement, such as the 2003 and 2005 decisions on TRIPS and Public Health have been reiterated. Art. 66.2 mentions the obligations of developed countries to provide incentives for technology transfer to the least-developed countries. Authors may delve into writing about various decisions under the TRIPS Agreement that have raised the question of technology transfer and reiterated the commitment to implement this commitment.

5. No Specialised Intellectual Property Courts in India

The Intellectual Property Appellate Board (IPAB) was abolished in April 2021 and has created a peculiar situation for India since then. The primary reason for creation, as well as abolition of IPAB, was the same- pendency of cases. Now, all cases concerning IPR stand transferred to the high courts. Although the Delhi High Court has created a special IP division, other high courts in the country have not assigned any special divisions/benches. The lack of any specialised bench in the country poses a persistent problem because IP-related issues involve specialised skills and knowledge of science and technology which are not always available in the high courts. Authors may, therefore, explore various avenues under this sub-theme concerning the future of India without IPAB, the feasibility of using commercial courts to deal with IP-related issues, and the failure of Section 115 of the Indian Patents Act which deals with the appointment of subject matter experts by courts.

6. Quantum computing and Intellectual Property Rights

Quantum computing is an area of study focused on the development of computer-based technologies centred around the principles of quantum theory. Quantum theory explains the nature and behaviour of energy and matter on the quantum (atomic and subatomic) level. Quantum computing uses quantum technology to perform specific computational tasks, all at a much higher efficiency than their classical counterparts. In general, quantum technology was not considered when creating our current intellectual property structure. Some experts predict that within the next 20 years, sufficiently advanced quantum computers could be able to break all public-key schemes currently in use. Authors can write how combining different intellectual property rights to increase the value of the owner's intellectual property portfolio for a quantum computer could result in intellectual property protection that lasts forever. For first movers, which are often a small number of institutions and major enterprises, overlapping IP protection regimes might result in an infinite length of global exclusive exploitation rights. Such a scenario could result in a few select players capturing the market for quantum computing, to the detriment of the competition and society in general. Furthermore, without proper regulations, quantum computing also poses significant risk to public schemes and intellectual property of individuals, as sufficient advanced computing powers can be used to break encryptions and other security measures currently employed to prevent theft of intellectual property.

ELIGIBILITY OF PARTICIPANTS

Authors must be pursuing their 5-year integrated LL.B. (Hons.) course / 3-year LL.B. course / LL.M. from any recognised university in India and equivalent law degree, abroad for the academic year of 2022-2023, to be eligible to participate in the competition.

STRUCTURE

All entries will be judged and ranked by the Committee and Nishith Desai Associates. The top three entries will be selected after an intense review procedure for an offline paper presentation. The participants may adopt any suitable means for presenting the papers including audio-visual aids, such as PowerPoint presentation.

The final rankings of the authors will be determined on the basis of the cumulative score of the paper presentation in the offline conference and that of their essay.

The entries selected for the offline conference will also be considered for publication in the next issue of the RMLNLU Law Review Journal & the RMLNLU Law Review Blog and will be monetarily rewarded by the Committee.

PRIZES

- *Winner - INR 15,000/-*
- *First Runner-up - INR 10,000/-*
- *Second Runner-up - INR 5,000/-*
- The authors of the top three entries to the competition will upon the discretion of Nishith Desai Associates get an opportunity to intern at Nishith Desai Associates. Nishith Desai Associates reserves all rights to determine the office, dates and team under which the internship is granted. The top three entries will receive a 'Certificate of Merit'.
- Top three entries will be published on the RMLNLU Law Review Blog.
- Top three entries may be considered for publication in the next issue of the RMLNLU Law Review Journal.
- All participants shall be receiving a 'Certificate of Participation'.

PARTICIPATION GUIDELINES

Co-authorship of entries (maximum two) among individuals from the same or different institutions is allowed. Multiple entries from the same authors are not allowed. Entries should be original, unpublished and non-plagiarized.

SUBMISSION GUIDELINES

Participants are requested to adhere to the following submission guidelines:

- Word Limit for the Competition: 4000-5000 words (excluding footnotes).
- Individual Attachments: Name; e-mail; contact number; current academic status (year of study, name of university etc.); undertaking as to guarantee of originality.
- Formatting specifications:
 - Font and size for the essay: Times New Roman | 12
 - Font and size for footnotes: Times New Roman | 10
 - Line spacing: 1.5
 - Page size: A4
 - Margin - 1' from all sides
 - Alignment: Justified
- Citation Style: Footnotes must be properly cited strictly in accordance with the latest OSCOLA (4th edition) format. No endnotes or speaking footnotes (descriptive footnotes) are permitted.
- Entries should be emailed to rilec.rmlnlu@gmail.com under the subject title "Entry for 9th RILEC - [Name(s) of Author(s)]" in Microsoft Word (.doc or .docx) format.
- Any queries relating to the Competition should be addressed to rilec.rmlnlu@gmail.com.

MISCELLANEOUS RULES

- The copyright for all entries shall vest with the Committee who herewith reserve the right to modify, postpone or defer the Competition and its adjudication indefinitely as and when exigencies of an unforeseen nature may arise.
- Any attempt, direct or indirect, to contact the panel of judges will be met with the immediate disqualification of the relevant entry.
- Any indication of the author's name or university in the entry shall lead to immediate disqualification from the Competition. Details about the author may only be specified in the body of the mail and the name of the author must not be mentioned in the name of the file submitted.

DATES & DEADLINES

- Last date for submission of manuscript: **3rd December 2022**. Late entries will not be entertained.
- The dates of the offline conference will be announced soon.

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