
DR. RAM MANOHAR LOHIYA NATIONAL LAW UNIVERSITY, LUCKNOW



PRESENTS

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

Date of Conference: 7th April. 2023

JOURNAL RML
NLU
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



APARNA GAUR

Aparna is a senior member of the IP and TMT team at Nishith Desai Associates. She has broad experience in advising clients in relation to issues pertaining to intellectual property ownership and enforcement, e-commerce, ed-tech, cyber security and disruptive technologies such as e-mobility. Her expertise in IP and tech-centric laws combined with her knowledge of new-age technology has enabled her to provide strategic advisory to the clients.



AKHILESHWARI

Akhileshwari is a member of the TMT and IP team at Nishith Desai Associates, working in the intersection of technology, business models, and law. She has experience working on matters relating to fintech, intellectual property, e-commerce and commercial contracts, and has advised on emerging sectors such as cryptocurrency, gaming and new-age financial models.

ESSAYS IN BRIEF

Quantum Computing and Intellectual Property Rights- A two-way analysis

by

Prakriti Singh & Yash Arjariya

Quantum computing is one of the fastest-growing technologies in the twenty-first century. On that backdrop, this essay analyzes the interface between quantum computing and intellectual property rights. The authors analyze the implications of quantum computing in a two-fold manner: how the existing intellectual property framework deals with prospective applications seeking protection for quantum computers, algorithms, programs, and allied creations, and how existing protected and encrypted data sets are impacted by quantum computing. This essay further elucidates the backwardness of the Indian IPR regime in dealing with this development. This essay is divided into two parts. Part I examines the protection granted to quantum computing under the current patent and copyright laws and explains why trade secrets are the preferred route for protecting innovations in quantum computing. Further, the authors analyze the novel contours created under text and data mining, the culmination of judicial innovation in the form of an operability test. Part II deals with the contours of quantum computing and IPR in the Indian context. It elucidates how the digital space has been tricky terrain for India. Further, it emphasizes the strategic concerns for the Indian state while studying the progress made by China in quantum computing and why India must safeguard itself from Chinese supremacy in the field of quantum computing. This essay concludes that it is imperative for India to establish a specialized body for IPR matters. Furthermore, the quantum algorithms and related technologies should not be left at the mercy of trade secret protection, but rather the jurisdictions must actively safeguard the rights through protection by copyrights and patents.

Interaction Between Intellectual Property Rights And Artificial Intelligence: A Tussle Between Competing Claims For Copyright In AI Work

by

VARSHA SHARMA

The proliferation of Artificial Intelligence (AI) in varied fields has increased over the years ranging from its use in medical sciences, journalism, and other fields, as was also indicated by the 2019 Report of the World Intellectual Property Organization. Thus, obvious questions arise regarding the authorship of AI work, who should bear the liability if the AI work causes damage, and so on. The research paper explores the interaction between AI and IPR laws, and whether there is a scope to grant copyright to AI-generated work based on the Copyright Act, 1957, judicial precedents and various theories propounded by different scholars of AI and IPR. It is argued that the Indian Copyright Law does provide the scope for AI work to be considered as copyrightable, based on the fact that the different theories used to explain the functioning of AI, describe it as possessing human characteristics, in certain forms. Subsequently, AI could be granted legal personhood on two prongs- (i) AI could serve as a trustee to the human user, (ii) Since AI justifies the claim for moral rights, it should be granted legal personhood. Further, the question of who could be accorded authorship in AI –work, should be a fact-based inquiry based on the level of creativity exerted by different candidates claiming authorship of such work. With respect to according liability in AI work different permutations and combinations have been suggested. Lastly, suggestions are proposed to include the AI-produced work, within the ambit of the Copyright Act, 1957.

Live Streaming of Video Games: Demystifying the Legal Identity of the Game Streamer under Copyright Regime

by

Kinjal Keya & Aditya Pratap Singh

With the rapid development of the online game industry, live streaming of video games has become a common source of entertainment around the globe and therefore the copyright issues involved in the online game live broadcast, as well as the legal attributes and rights ownership of the live game screen, have become the focus of academic attention. Like audio-visual works, live game screens can also constitute works in the sense of copyright law and needs to be protected. While live streaming may bring with it several legal issues, this article majorly focuses on the legal identity of the streamer. No court has ever addressed the novel, twenty-first-century issue of copyrighting video game streams, the legal identity of the streamer and therefore the area still hangs in a grey area of insufficient legal precedent. The author proposes that depending on the type of game, the legal identity and the status of the streamer may vary. Depending upon corresponding gameplay space and the degree of personalization, the streamer gameplay pictures temporarily presented by the live broadcast may produce original content distinguished from the inherent materials of the game, which may constitute a derivative work based on the running pictures of the game itself and therefore be liable to be protected within the ambit of Copyright Law.

WORKSHOP BY NDA

NAVIGATING THE WORLD OF INTELLECTUAL PROPERTY: A CAREER EXPLORATION WORKSHOP

- **Overview of IP Transactions:** Provide an overview of what IP transactions are and discussion on areas of focus, including patents, trademarks, copyrights, and trade secrets.
- **Discussion on types of IP transactions** including licensing, agreement, sale of IP products and IP aspects of corporate transactions.
- **Educational Requirements:** Discuss the educational requirements to become an IP transaction practitioner, including law school and passing the bar exam.
- **Courses on IPR Transactions** for law students to further their career in this field.
- **Skills Required:** Outline the skills that are necessary to succeed as an IP transactions practitioner, such as strong analytical skills, attention to detail, and the ability to think creatively.
- **Career Options:** Discuss the different career options within the field of IP transactions, including working at a law firm, in-house counsel positions, or working for government agencies.
- **Development of the field in India.**
- **Discuss about IP transaction services of NDA:** nature of work, domestic and cross border transactions, etc.
- **Job Responsibilities:** Detail the day-to-day job responsibilities of an IP transactions practitioner, including drafting legal documents, conducting research, and representing clients in courts.
- **Industry Trends:** Discuss current trends in the IP transactions industry, such as the rise of technology and the impact of globalization.
- **Future Outlook:** Share insights on the future outlook for IP transactions practitioners, including projected growth and areas of high demand.

CONFERENCE SCHEDULE

Conference	12:00 p.m - 2:00 p.m
Lunch	2:00 p.m - 3:00 p.m
Workshop	3:00 p.m - 4:30 p.m
Valedictory	4:30 p.m - 5:00 p.m

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