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For members only

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V.K. Krishna Menon Bhawan,

9, Bhagwan Das Road,

New Delhi - 110001 (INDIA)

Tel.: 23389524, 23384458-59 Fax: 23383783

E-mail: isil@iasdl01.vsnl.net.in

Website: www.isil-aca.org

Editorial



It has been 20 years since the TRIPS came into existence. Seeking to address trade issues, after lengthy negotiations (1986-94), the Uruguay round led the establishment of the WTO. The WTO laid a rule based system in international trade and requires members to undertake all the agreements as a single package ("single undertaking" approach). The TRIPS Agreement is part of single undertaking approach of the WTO. Essentially, TRIPS Agreement introduced global minimum standards for protecting and enforcing nearly all forms of intellectual property rights, including those for patents. Significant robust achievements and also challenges to TRIPS regime are being witnessed in the last twenty years.

The obligations arising from WTO provisions have thereby become incumbent on members. It led India to enact new laws and also amend its national laws in conformity of WTO laws including TRIPS Agreement. The Copyright Act, 1957 has been amended to include computer program as literary work as required by Article 10 of the TRIPS Agreement. The Trade and Merchandise Marks Act, 1958 has been replaced with the Trade Marks Act, 1999 which includes protection of well-known marks, certification marks and collective marks. Other recent legislations include the Geographical Indications of Goods (Registration and Protection) Act, 1999, the Designs Act, 2000 and the Protection of Plant Varieties and Farmers' Rights Act, 2001. Furthermore, the first registration under the Semi-Conductor Integrated Circuits Layout Design Act, 2000 was granted in October, 2014. In order to fully comply with the TRIPS provisions India amended three times the Indian Patents Act 1970. In sum, these amendments brought changes in patentable inventions, grant of new rights, extension of the term of protection, provision for reversal of burden of proof in case of process patent infringement and conditions for compulsory licenses. Thereby, the Patent (Amendment) Act, 2005 make the Indian Patent Act fully compatible to TRIPS Agreement. Indian Patent Act balanced the rights of IP owners with their obligations to society. India successfully highlighted the policy space and flexibilities available in the TRIPS. On December 19, 2014, the first draft of the IPR Policy was released.

The position on the protection and enforcement of IPRs through court system in India has been commendable. The Indian Courts are also witnessing increasing number of TRIPS disputes. In last 20 years, there were 2,157 reported cases and 1433 decisions went in favour of IP owners. (Economic Times, August 1, 2014) The landmark decision of Supreme Court of India in Novartis v. Union of India developed jurisprudence on balancing public good with monopolistic pricing and innovation with affordability. Recent US President Barack Obama's visit to India in January 2015 there was Intellectual Property issues and joint statement issued by India and US countries stated that there will be enhanced engagement on Intellectual Property Rights (IPR) in 2015 under the High Level Working Group on Intellectual Property, to the mutual benefit of both the countries.

The WTO DSS a binding system for the settlement of disputes provides for numerous possibilities for members to settle their TRIPS disputes. In last 20 years TRIPS disputes in the WTO DSS, there are 34 complaints, relating to 24 separate matters (as of 24 June 2014). There were 14 settlements. 10 panel and 3 AB reports adopted on TRIPS disputes. 5 panels are established. 2 consultations are pending. 3 inactive cases are noted. In brief, this represents 7% of the total of 474 complaints lodged so far in the WTO Dispute Settlement System. These trends suggest that all WTO Members see TRIPS disputes as a legitimate of the multilateral trade infrastructure. Also the decisions indicate there is a progress in developing mature body of jurisprudence that seeks to ensure coherence with other international treaties. However, there are evidences in disputes experiencing with interpreting non-WTO treaties.

Significant progress has been seen in TRIPS Council on issues viz., TRIPS and public health. TRIPS Council decided to allow governments to use the flexibilities available in the TRIPS Agreement. TRIPS Council also able to create among Members an understanding on the objectives: (i) the need to avoid inappropriate patenting, such as patenting a claimed invention that is not new or does not involve an "inventive step" and (ii) the need to avoid what is sometimes loosely called "biopiracy". TRIPS Council are still debating viz., TRIPS, biodiversity, traditional knowledge, plants and life forms, Geographical indications, 'Non-violation' complaints, Technology transfer, Least developed countries' priority needs and Enforcement.

Dr. E. M. Sudarsana Natchiappan

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World Congress on International Law

The World Congress on International Law on “Contemporary Issues of International Law” held on 9th to 11th January 2015 at Vigyan Bhawan and India Habitat Centre, New Delhi. Hon'ble Shri M. Hamid Ansari, Vice President of India inaugurated the World Congress on 9th January 2015 at Vigyan Bhawan Auditorium. Judge Peter Tomka, President, International Court of Justice (ICJ), The Hague and Justice Dalveer Bhandari, Judge, ICJ, The Hague also addressed the inaugural session. Dr. E. M. S. Natchiappan, President, ISIL welcomed the guests. Judge Abdulqawi Ahmed Yusuf, Judge, ICJ, Prof. Lakshmi Jambholkar, Executive President, ISIL and Narinder Singh, Secretary General, ISIL also shared the dais. At this occasion, the ISIL was able to distribute compendium of conference papers to each delegate. Chief Guest Shri M. Hamid Ansari, Vice President of India also released the Online Edition of the Indian Journal of International Law (IJIL) publishing from Springer. In the evening a colourful cultural programme was

performed by the artists of Sahitya Kala Parishad, New Delhi followed by Dinner at India Habitat Centre, New Delhi. Nearly 600 delegates participated in the Conference. The delegates had come from various international and national institutions, government ministries, universities, law colleges and non-governmental organizations.

On this occasion, ISIL conferred its Honorary Membership to distinguished international law experts Judge Peter Tomka, ICJ, Judge Abdulqawi Ahmed Yusuf, ICJ, Hussein A. Hassouna, Member, ILC, Chris M. Peter, Member, ILC, and Amos S. Wako, Member, ILC.

The three day conference, other than the inaugural session, is divided into two Plenary Sessions and 25 parallel sessions. Final Plenary (Closing) Session was presided by Hon'ble Justice Dalveer Bhandari, Judge, ICJ, The Hague. The Closing Session is marked with a felicitation of past Presidents and Secretaries General of the ISIL namely Dr. G. V. G. Krishnamurthy, Prof. Upendra Baxi, Dr. Sushma Malik and Prof. Rahmatullah Khan. Shri Narinder Singh, Secretary General, ISIL made a formal vote of thanks. A Steering Committee was constituted by the ISIL to plan the World

Congress on International Law which is headed by Justice Dalveer Bhandari, Judge, ICJ, The Hague, Justice Madan B. Lokur, Judge, Supreme Court of India, Justice S. Ravindra Bhat, Judge, Delhi High Court, Dr. Sanjay K. Dewan, Consul General, Consulate General of Cape Verde, New Delhi and Prof. C. Raj Kumar, Vice Chancellor, O.P. Jindal Global University.

Around 100 papers were presented on various themes identified for the Conference. 600 Indian and 40 foreign delegates attended the Conference. Many eminent judges, distinguished international law scholars and lawyers from various countries attended the Conference. The Conference was supported by international and national institutions.

Also a Student Workshop of the World Congress on International Law was organized on 10th to 11th January 2015 at the India Habitat Centre, New Delhi. Around 30 papers were presented in the eight sessions held for two days. Dr. Srinivas Burra and Ms. Sowmy K. C., EC Members were joint co-ordinator's of the Student Workshop.

ISIL and University of Washington School of Law Jointly Organized “Intellectual Property Policy Seminar”

ISIL & CASRIP, University of Washington School of Law jointly organized a seminar “Intellectual Property Policy Seminar” on 16th to 17th January 2015 at the ISIL premises. The seminar discussed following identified themes “Role of IP in Emerging Markets”, “Role of Patents in Medical Science Innovations and Access to Health Care”, “Standard Essential Patents”, and “IP Special Court: Experiences in the U.S., Japan, Europe, BRICS countries”. The



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seminar was intended to share the experience of respective countries viz., Germany, Japan, Korea, China Thailand and Russia. Hon'ble Justice Manju Goel, EC Member, ISIL welcome the speakers. The theme was introduced by Prof. S. K. Verma, Former Professor, Delhi University, Delhi. Prof. Toshiko Takenaka, University of Washington School of Law was the moderator for the session. Prof. Patricia Kuszler, Vice Dean, UW School of Law, Prof. Shamnad Basheer, National University of Juridical Sciences, India, Dr. Jörg Thomaier, Bayer Intellectual Property GmbH, Germany, Justice Annabelle Bennett, Federal Court of Australia, Dr. Orakanoke Phanraksa, National Science and Technology Development Agency, Bangkok, Thailand, Mr. Gopukumar, Legal Advisor, Third World Network, Judge Paul Singh Grewal, U.S. District Court, Northern District of California, Dr. T. Ramakrishna, Professor of Law, NLSIU, Bangalore, Ms. Meenu Chandra, IP Attorney & Director IP Policy, Microsoft Corp., Ms. Anna Bakhmetyeva, UW School of Law, Mr. Ryoichi Mimura, Nagashima Ohno & Tsunematsu, Tokyo, Japan, Judge Paul Singh Grewal, U.S. District Court, Northern District of

California, Mr. Zhiyong Wang, Beijing Law Firm, Ms. Pratibha Singh, Senior Advocate, Supreme Court of India and Justice S. Ravindra Bhat, Judge, Delhi High Court were the speakers in the seminar. Around 70 participants attended the seminar. The seminar witnessed lively interactions and discussion by the participants. On this occasion, ISIL and CASRIP, University of Washington School of Law signed a Memorandum of Understanding (MOU) to carry out joint academic activities and exchange of scholars.

WIPO-India Summer School on IP (WSSIN) at ISIL, New Delhi

The World Intellectual Property

Organization (WIPO)-India Summer School on Intellectual Property was conducted by the ISIL from 2nd March - 13th March 2015, in collaboration with WIPO. 27 young professionals from different fields, including lawyers, law students, persons working in industry, engineers, etc. attended the Course.

The resource persons included WIPO representatives namely Ms. Karen Lee, Director, WIPO Head Quarter and Mr. Candra Darusman, Deputy Director, WIPO, Singapore Office, as well as one lawyer Mr. Mark Guetlich from the US and one lawyer Mr. Theo Stamatiadis, Attorney, ALSTOM, Technologies AG, Zurich from Switzerland. This is the first time that the WIPO Summer School has been held in India. Many distinguished experts from India also delivered lectures in the Course.

One-day Training Programme on Companies Act, 2013: A Primer

ISIL and Indian Institute of Corporate Affairs (IICA) jointly organized one-day Training Programme on "Companies Act, 2013: A Primer" on 27th March 2015. The programme was inaugurated by Dr. Bhaskar Chatterjee, Director General and CEO, IICA. Inaugural session was also addressed by Mr. Narinder Singh,



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Secretary General, ISIL. Training program as a primer provided an overview on recent amendments in the Companies Act and highlighted salient features of the Companies Act, 2013. The training programme was attended by 34 participants.

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PALESTINE MOVES TO JOIN INTERNATIONAL CRIMINAL COURT, NUMEROUS GLOBAL TREATIES

Palestinian Authority officials, on 2nd January 2015 presented to the United Nations documents for accession to 16 international conventions and treaties, including the Rome Statute of the International Criminal Court (ICC). The documents – for accession to conventions and treaties for which the UN Secretary General performs depositary functions – are being reviewed with a view to determining the appropriate next steps. The original versions of the documents were delivered, on 1st January 2015 to the UN Deputy Special Coordinator for the Middle East Peace Process, James Rawley, in Ramallah. Consistently, the Palestinian Government has said that it will seek retroactive action against Israel at the ICC, for alleged crimes committed by Israel in Gaza in the summer of 2014. Nearly 2,200 Palestinians and 70 Israelis died during the 50-day conflict that ended in August 2014.

SOMALIA RATIFIES CHILDREN'S RIGHTS TREATY

Somalia ratified the Convention on the Rights of the Child (CRC) on 19th January 2015. The CRC was adopted by the General Assembly on 20th November 1989 and has been ratified by 195

countries, including Somalia, making it the most widely ratified international human rights treaty in history. As of today, only two countries have yet to ratify the landmark treaty – South Sudan and the United States.

BAN NOMINATES EXPERTS TO REVIEW PEACEBUILDING ARCHITECTURE

United Nations Secretary-General Ban Ki-Moon, on 22nd January 2015 nominated an Advisory Group of Experts to conduct a policy and institutional review of the peace building architecture and then to develop recommendations based on this work. Mr. Ki-Moon, on 22nd January 2015 announced the nomination of the following seven experts Mr. Anis Bajwa (Pakistan); Saraswathi Menon (India); Ms. Funmi Olonisakin (Nigeria); Mr. Ahmedou Ould-Abdallah (Mauritania); Mr. Charles Petrie (France); Mr. Gert Rosenthal (Guatemala); and Ms. Edith Grace Sempala (Uganda). Earlier, on 15th December 2014, the Presidents of the General Assembly and the Security Council asked the Secretary-General to nominate up to seven experts to form an Advisory Group on the review of the peace building architecture. In accordance with the Terms of Reference endorsed by both the General Assembly and the Security Council, the Advisory Group of Experts will undertake country studies in Burundi, Central African Republic, Sierra Leone, South Sudan, and Timor-Leste. The Advisory Group of Experts is expected to submit a report to the General Assembly and the Security Council for consideration through an intergovernmental process managed by co-facilitators appointed by the two principal organs. The intergovernmental process should be concluded with a concurrent decision by both organs before the end of 2015.

INTERNATIONAL COURT OF JUSTICE DISMISSES GENOCIDE CLAIMS BY CROATIA AND SERBIA

The International Court of Justice (ICJ), on 3rd February 2015, rejected claims made by Croatia and Serbia accusing each other of committing genocide during the Balkan wars of the 1990s, a decision that is “without appeal” and binding. In its judgment, the ICJ rejected (by 15 votes to 2) Croatia's claim and Serbia's counterclaim unanimously (by 17 votes to 0). The Court also rejected (by 11 votes to 6), the second jurisdictional objection raised by Serbia and to follow on that, found that its jurisdiction to entertain Croatia's claims extends prior to 27th April 1992. In the proceedings under review, Croatia contended that Serbia was responsible for breaches of the Genocide Convention committed in Croatia between 1991 and 1995. In its counterclaim, Serbia contended that Croatia was itself responsible for breaches of the Convention committed in 1995 in the “Republika Srpska Krajina.”

On July 2, 1999, Croatia filed an application instituting proceedings against the Federal Republic of Yugoslavia in respect of a dispute concerning alleged violations of the Genocide Convention committed between 1991 and 1995. On 18th November 2008, the Court delivered a Judgment partially rejecting the preliminary objections raised by the respondent (which had then become Serbia). Serbia subsequently filed a counter-claim.

The ICJ in its examination first looked at Croatia's claim against Serbia and found that the *actus reus* (or: “material acts perpetrated”) of genocide has been established. But the Court also found that

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the intentional element of genocide was lacking. The absence of intent rejects Croatia's claim in its entirety. The Court then examined Serbia's counter-claim against Croatia and found that the *actus reus* of genocide was established. But again the intention element was lacking, therefore like Croatia's claim, the Court rejected Serbia's counter-claim in its entirety.

According to the Convention on the Prevention and Punishment of the Crime of Genocide, the term "genocide" contains two constituent elements: the physical element or what the Court calls, *actus reus*, and the mental element. The "intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such" is the essential characteristic of genocide, which it distinguishes from other crimes. It is regarded as a *dolus specialis*, meaning specific intent, which must be present to establish genocide.

In its decision, the Court noted a raft of crimes committed during the time period in question, included widespread attacks against civilian populations and infrastructure, and reiterated its request to both parties to continue their cooperation with a view to settling as soon as possible the issue of the fate of missing persons. The ICJ also encouraged the parties to continue their cooperation with a view to offering appropriate reparation to the victims of such violations, thus consolidating peace and stability in the region.

Established in 1945 under the UN Charter, the ICJ – widely referred to as the 'World Court' – settles legal disputes between States and gives advisory opinions on legal questions that have been referred to it by authorized UN organs or specialized agencies. ICJ

Judgments are final and binding on the Parties involved in the legal disputes submitted to the Court.

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD)

The fourteenth session of the United Nations Conference on Trade and Development will be held from 14th to 18th March 2016, in Lima, Peru. Former Deputy Director General of the Ministry of Foreign Affairs of Sweden, Mr. Joakim Reiter, will join the United Nations Conference on Trade and Development as Deputy Secretary-General on 1st April 2015.

DISPUTE CONCERNING DELIMITATION OF THE MARITIME BOUNDARY BETWEEN THE REPUBLIC OF GHANA AND THE REPUBLIC OF CÔTE D'IVOIRE SUBMITTED TO A SPECIAL CHAMBER OF THE TRIBUNAL

By Order of 12th January 2015, the International Tribunal for the Law of the Sea has formed a Special Chamber to deal with a dispute concerning delimitation of the maritime boundary between the Republic of Ghana and the Republic of Côte d'Ivoire.

This Special Chamber consists of Vice-President Bouguetaia (Algeria), Judges Wolfrum (Germany) and Paik (Republic of Korea) and Judges ad hoc Thomas Mensah (Ghana) and Ronny Abraham (France). Vice-President Bouguetaia will preside over the Chamber.

During consultations with the President of the Tribunal, Judge Golitsyn, in Hamburg in December 2014, the representatives of the two parties agreed to transfer the dispute – initially submitted to arbitration under Annex VII to the United Nations Convention on the Law of the Sea – to a special

chamber of the Tribunal, consisting of three Members of the Tribunal and two Judges ad hoc.

INDIA — AGRICULTURAL PRODUCTS: WTO DSS

This dispute concerns India's import prohibition affecting certain agricultural products from countries reporting Notifiable Avian Influenza (NAI) to the World Organisation for Animal Health (OIE). This import prohibition is maintained through India's Avian Influenza (AI) measures, namely: the Livestock Importation Act 1898 (9 of 1898) (Livestock Act) published on 12th August 1898, as amended by the Livestock Importation (Amendment) Act 2001 (No. 28 of 2001) (Livestock Amendment Act), and published in the Gazette of India on 29th August 2001; and Statutory Order (S.O.) 1663(E) issued by India's Department of Animal Husbandry, Dairying, and Fisheries (DAHD) pursuant to the Livestock Act and published in the Gazette of India on 19th July 2011.

The United States complained that India's AI measures amounted to an import prohibition that was not based on the relevant international standard (the OIE Terrestrial Code) or on a scientific risk assessment. In particular, the United States requested the Panel to find that India's AI measures were inconsistent with a number of provisions of the Sanitary and Phytosanitary (SPS) Agreement: Article 2.2 (that SPS measures be applied only to the extent necessary to protect human, animal or plant life or health and the obligation to base these measures upon scientific principles), Article 2.3 (prohibition of arbitrary or unjustifiable discrimination), Article 3.1 (harmonization of SPS measures based on international

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standards), Articles 5.1 and 5.2 (risk assessment obligations), Article 5.5 (prohibition of arbitrary or unjustifiable distinctions in appropriate levels of protection (ALOPs)), Article 5.6 (obligation to ensure that SPS measures are not more trade-restrictive than required), Articles 6.1 and 6.2 (adaptation of measures to regional conditions), and Article 7, Annex B(2) and B(5)(a)-(d) (publication, notification and transparency requirements) of the SPS Agreement, as well as Article XI of the GATT 1994 (general elimination of quantitative restrictions).

India's main argument in response was that its AI measures "conform to" an international standard (OIE Terrestrial Code and, in particular, Chapter 10.4 of the Code), pursuant to Article 3.2 of the SPS Agreement, and that consequently, compliance with other provisions of the SPS Agreement (including those requiring that SPS measures have a scientific foundation) and the GATT 1994 must be presumed. Accordingly, India maintained that it was not under an obligation to provide to the Panel the scientific risk assessment conducted pursuant to Articles 5.1 and 5.2 for its AI measures, and that its AI measures were based on scientific principles and evidence in accordance with Article 2.2 of the SPS Agreement. India also submitted to the Panel two separate requests for a preliminary ruling concerning the consistency of the United States' panel request with Article 6.2 of the DSU (identify specific measures at issue and provide a brief summary of the legal basis of the complaint sufficient to present the problem clearly).

As with the majority of SPS cases, the Panel decided to seek advice on certain aspects of the dispute from experts and

international organizations. The Panel consulted with the OIE on the interpretation of the OIE Terrestrial Code and with three individual experts on AI surveillance regimes with particular respect to India's domestic measures and its disease situation.

With respect to India's first request for a preliminary ruling, the Panel issued a preliminary ruling on 22nd May 2013 that was circulated to Members on 28th June 2013 and was later incorporated by reference into the Panel's Report. The Panel found, *inter alia*, that:

The panel request was sufficiently precise in identifying the measure at issue as required by Article 6.2 of the DSU; and

The products listed in S.O. 1663(E) and the United States' panel request were within the scope of the dispute.

The Panel responded to India's second request for a preliminary ruling in its Report. The Panel found, *inter alia*, that: Two of India's legal instruments that had not been explicitly mentioned in the United States' panel request were not measures at issue; and

The United States was under no obligation to identify in its panel request India's rules applicable to domestic products in order to be able to rely on them in support of its arguments under Article 2.3 of the SPS Agreement.

In respect of the United States' claims pursuant to the SPS Agreement, the Panel found as a preliminary matter that India's AI measures are SPS measures within the meaning of Annex A(1) of the SPS Agreement and are subject to the disciplines of the Agreement.

The Panel further found that: India's AI measures are inconsistent with Article 3.1 of the SPS Agreement because they are not "based on" the relevant international

standard (Chapter 10.4 of the OIE Terrestrial Code). Furthermore, India's AI measures do not "conform to" the relevant international standard (Chapter 10.4 of the OIE Terrestrial Code), within the meaning of Article 3.2 of the SPS Agreement;

India's AI measures are inconsistent with Articles 5.1, 5.2 and 2.2 of the SPS Agreement because they are not based on a risk assessment;

India's AI measures are inconsistent with Article 2.3 of the SPS Agreement because they arbitrarily and unjustifiably discriminate between Members where identical or similar conditions prevail and are applied in a manner which constitutes a disguised restriction on international trade;

India's AI measures are inconsistent with Articles 5.6 and 2.2 of the SPS Agreement because they are significantly more trade-restrictive than required to achieve India's appropriate level of protection (ALOP) with respect to the products covered by Chapter 10.4 of the OIE Terrestrial Code, and therefore are also applied beyond the extent necessary to protect human and animal life or health;

India's AI measures are inconsistent with Articles 6.2 and 6.1 of the SPS Agreement because they do not recognize the concept of disease-free areas and areas of low disease prevalence, and because they are not adapted to the SPS characteristics of these areas;

India acted inconsistently with Article 7, Annex B(2) and Annex B(5)(a), (b) and (d) of the SPS Agreement because it failed to comply with a number of notification and publication requirements therein.

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Having found that India's AI measures are inconsistent with Article 2.3 of the SPS Agreement, the Panel found it unnecessary to rule on the United States' alternative claim under Article 5.5 of the SPS Agreement. The Panel also found that the United States failed to make a *prima facie* case of violation of Annex B(5)(c) of the SPS Agreement (provide upon request to other Members copies of proposed regulations).

Finally, having found that India's AI measures are inconsistent with the provisions of the SPS Agreement as described above, the Panel found it unnecessary to rule on the United States' claim under Article XI of the GATT 1994 (general elimination of quantitative restrictions).

On 6th November 2014, India and the United States requested the DSB to adopt a draft decision extending the 60-day time period stipulated in Article 16.4 of the DSU, to 26th January 2015. At its meeting on 18th November 2014, the DSB agreed that, upon a request by India or the United States, the DSB, shall no later than 26th January 2015, adopt the panel report, unless the DSB decides by consensus not to do so or India or the United States notifies the DSB of its decision to appeal pursuant to Article 16.4 of the DSU.

On 26th January 2015, India notified the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation in the panel report.

INDIA RELEASES MODEL BIT FOR COMMENTS

The Indian government published a draft of its model bilateral investment treaty (BIT) for public comment on March 24, 2015. By April 11, 2015, the deadline for submission, 185 comments were posted

on the government's online forum. The new text is set to replace the country's 1993 model Bilateral Investment Promotion and Protection Agreement (BIPA) and results from an inter-ministerial review process started in mid-2012. India's new model includes obligations on foreign investors and investments and on their home state aimed at ensuring that investment contributes to inclusive growth and sustainable development. Investors and investments that breach obligations regarding corruption, disclosures and taxation do not benefit from the treaty benefits—and are subject to counterclaims by the host state. While retaining investor–state dispute settlement provisions, the model requires a foreign investor to exhaust administrative and judicial remedies before initiating arbitration against the host state. Increasingly concerned with investor–state arbitration, India is reported to be considering renegotiating or exiting its BITs (currently, 83 signed, 72 in force). Although the country does not have an investment treaty with the United States, sporadic negotiations are reported to be occurring since 2008.

UNCITRAL TRANSPARENCY CONVENTION OPENED FOR SIGNATURE IN MAURITIUS

The United Nations (UN) Convention on Transparency in Treaty-based Investor–State Arbitration was opened for signature in an official ceremony on March 17, 2015 in Mauritius. Now also known as the Mauritius Convention on Transparency, the treaty results from the work of the UN Commission on International Trade Law (UNCITRAL) on transparency in investment arbitration dating back to 2010. Another product of this work, the UNCITRAL Rules on Transparency in Treaty-based Investor–State Arbitration were adopted in

2013 and have been effective since April 1, 2014. They require publication of basic information about the arbitration, disclosure of key documents (including the tribunal's decisions) and open hearings. The rules automatically apply to any UNCITRAL arbitration proceeding under a treaty concluded after April 1, 2014. By signing the Transparency Convention, a state commits to applying the transparency standards of the UNCITRAL Rules on Transparency to any investor–state arbitration proceeding under treaties concluded before April 1, 2014, even if those treaties do not refer to UNCITRAL Arbitration Rules. The first signatories of the Mauritius Convention were Canada, Finland, France, Germany, Mauritius, Sweden, the United Kingdom and the United States. It will enter into force six months after the deposit of the third instrument of ratification.

FORTHCOMING EVENTS

14th Summer Course on International Law, 1st to 12th June 2015

“Diploma in European, International and Comparative Law” Jointly organized and conducted by the ISIL and Faculty of Law of the University of Lisbon, 1st to 26th June 2015

National Rounds of the 15th Henry Dunant Memorial Moot Court Competition 2015, September 2015

Training Workshop for Indian Forest Service Officers on "IPR-WTO Accountability- Scope of Patent", November 2015

Induction-level Training Programme for Indian Economic Services, October 2015

Convocation and Inauguration of the P. G. Diploma Courses, 1st September 2015

WORLD CONGRESS ON INTERNATIONAL LAW



Honorary Membership of ISIL to Judge Peter Tomka, ICJ



Panel on International Courts and Tribunals



Forum of Parliamentarians on Development of International Law



Rule of Law Programme Forum of Judges



Session on Refugee Law



Panel on Judging the State in International Trade and Investment Law



Panel on State Responsibility



Student Workshop



Valedictory Session of the World Congress on International Law