IAM IP Hall of Fame

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In May 2022, Pravin Anand became the first Indian to be felicitated formally as an inductee in the extremely prestigious IAM IP Hall of Fame for making a major positive impact on the IP landscape. Here's a leaf from the bespoke interview officially published by IAM where Mr Anand shares how he felt that "Intellectual Property was almost a human right in itself" and that he was under a duty to protect the innovators... **How do you feel about being inducted into the IP Hall of Fame?** I feel thrilled. It is one of the upper watermarks of my life, of my career. It is a very positive encouragement that the path I have been walking seems to be the right one. When I started practice, I had to make a decision on whether I should be like any other lawyer in the IP community, who can take a case for an innovator or for the opposite side. I felt differently. I felt that the creative world was a very small one, and the number of people who enjoy their ideas are huge. Creators are so busy creating that they sometimes end up in poverty, because they do not think about their finances or investments. I felt they needed someone to look after them. I decided to act for innovators and only for them. I felt that intellectual property was almost a human right in itself: the right to create and then to be able to protect that creation against theft. In that sense, I felt a duty to push the level of protection to a higher level. I have tried to spread the message about intellectual property to students, journalists, policy makers, the government. Now, everybody in India wants protection. **Why did you go into IP law in the first place?** My grandfather was both an artist and an inventor. He started the firm in 1923. Next August, we at Anand & Anand will celebrate our 100-year anniversary. My father and his brothers joined the family business, as did I, in 1979. When I was in school, I knew the word 'patent'. In Class 5, the principal asked everyone what they wanted to do. They said things like: "I want to be a fireman"; "I want to be an astronaut". I said: "I want to be a patent lawyer." The other children teased me, because they had only heard of patent leather. They kept saying "patent leather!" **How would you describe the development of Anand & Anand since you joined?** In the India of the 1960s and 1970s, my father was a successful IP lawyer. At that time, the work was 90% trademarks and copyrights. My father and one other lawyer were involved in most of the IP cases in India. There were very few IP lawyers in India. After I joined, the firm went eventually from four lawyers to 150 lawyers. From 10 to 12 people, we now total more than 400. I started to seek out foreign clients, to travel overseas, to get ourselves in directories, to speak at seminars and write articles. So much so that there was a time where almost every edition of a publication called IP Asia (started by Baker McKenzie) had an article by me. I worked on almost all committees. I started up India chapters for the International Association for the Protection of Intellectual Property and the Asian Patent Attorneys Association. All this contributed a great deal to the firm's growth. It was also important that I recruited wisely. I started a moot court competition whose winners were entitled to join the firm. We were able to build up a rich pool of lawyers. **What are the most interesting cases that you have worked on?** It is a mixed bag of interesting cases. I worked on a case involving Phoolan Devi – a bandit who had killed 50 people by the time she was arrested at the age of 22. There was an

amnesty programme by the government that if a gang surrendered, they would be released from prison after 10 years. So she was released from prison aged 32. Channel 4 in the United Kingdom decided to make a TV programme about her called Bandit Queen, which included a rape scene – a scene she did not consent to. She filed a suit for breach of privacy through me at the Delhi High Court. That was a very famous case, the first big privacy case in India. The court held that even a public figure has a private life. The film was stopped two days before the Oscar nominations. There was another case involving a world-famous sculptor, Amar Nath Sehgal, whose mural had adorned a government auditorium. The government had removed the mural and put it in a room, all mangled and disfigured. We went to court and won a case on moral rights. He got the mural back and damages. That was a big case, so much so that a legal scholar got a PhD from Oxford University for a thesis on it. **What do you think the more important issues affecting the Indian patent system at the moment are?** That is tough. There are so many. The Indian patent system has developed well in recent years. Pharma and telecoms companies are now getting good protection, and sizeable damages are being awarded. But we have a very long pre-grant opposition period. If there is a drug that needs protection and the generics decide to form a club and oppose it, then one generic can file a pre-grant opposition this year and another can file one the next year. Multiple parties can file pre-grant oppositions, which can eat into the term of a patent. There are smaller problems, including protection for software-related inventions, but this can be overcome by showing technical effect. Section 3(d) of the Patents Law makes it hard to protect incremental innovations in pharmaceuticals. Some pharmaceutical companies want changes. **Is there one piece of advice you would offer innovators operating in India?** They need to look at India now. There was a time when people thought the country would not offer IP protection. But the protection is now better and the market is huge. Also, if you do not have protection in India, then people here can export to your other markets. A lot of trademarks are not registered properly in India, but if they are, you can get excellent protection. The most important thing is to keep your eyes and ears open, get the right advice and be willing to spend a reasonable amount on protections. Often, I give talks to CEOs of companies to energise them to get their engineers to apply for at least a single patent in a year. This makes the engineer learn how to get a patent. After that, a single application later becomes 20 applications, because the engineer has learned about intellectual property. **Do you have advice for young people considering the IP law profession?** Unfortunately a lot of young people forming their views of life have heroes from film, music and politics, but they do not know Einstein so well. They do not know Madam Curie. It is very important for them to be exposed to STEM. Science has solved a lot of problems of medicine and food. There is no dearth of artists in India, but there is a dearth of scientists. It is important for a change to come about. I am working on some ideas to help inspire a shift in young people's attitudes to science. I am hoping to announce these at the 100th anniversary of the firm.

KEY CONTACT



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