



BOOK REVIEW

‘CONSTITUTIONALIZING INTELLECTUAL PROPERTY’ BY DR. UDAY SHANKAR & MR. SAURABH BINDAL (2012)

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The literature on Intellectual Property Law subject in Indian context is a nascent one and had concentrated more on the law and practice of IP laws. The new work on ‘Constitutionalizing Intellectual Property’ by Dr. Uday Shankar – faculty of the Rajiv Gandhi School of IP at IIT Kharagpur and his co-author Mr. Saurabh Bindal is a different and refreshing attempt at contextualizing IP in the framework of the Indian Constitution. The book forwarded by Prof. M.P. Singh – a renowned Constitutional Law scholar, is an attempt to interface IP and its impact with socio-economic rights, health, environment, right to information and other themes.

The various chapters analyses and introspects Intellectual Property Rights and the legislations in terms of the twelve themes. The debate whether Intellectual Property Rights is a ‘*Lex Specialis*’ was the theme of the ATRIP conference held recently in Oxford. The book in a sense portrays that IP is a part of a whole gamut of human right issues and mandates of the constitution.

The authors in their work on the various themes have attempted to strike a balance between the issues of constitutional mandate like right to life, right to food, right to cleaner environment with that of the structural-functional issues of IP and have expressed their analysis and opinion at the end of the chapters dealing with such sub themes.

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Each Chapter has been constructed with the sub theme overview, its interface with Intellectual Property Rights, landmark judgments, policy pronouncements and the prescription of the authors. Among the Indian literature on IP and its transactional issues, this could be the first attempt to cover a range of sub-themes within the canvas of the Constitution and bring out recent judgments to map the contours the progress of IP legislation and practice in India.

The authors could have attempted a chapter on the interface of the Constitution and International Treaty obligations to highlight the National-Global chasm, which often proves to be tricky for the policy mandarins to deal with trade and investment realities. Nevertheless this book is a must to inspire students and researchers to focus on the IP jurisprudence in a developmental context.