

# CSEET Communique

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**THE INSTITUTE OF  
Company Secretaries of India**

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# CSEET Communique (e-bulletin)

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*“Education is not something you can finish.”*

**Dear Students,**

A year ago when I had started to pen down my thoughts for you, after a brief sharing of pleasantries, there was a feeling of anticipation inside of me as to what would I want to discuss with you – the youngest of the youngest ones on the block.

If you would have dreams aplenty, so did we have for you on this side which was to see you step foot on the next rungs of the Course and becoming a full-fledged professional in no time.

If you were putting in the best of your efforts to understand the subjects and concepts new to you, we placed our efforts in the form of initiatives to make things as smooth for you as possible.

If you were ready to study more, learn more, grow more, we made sure that adequate Guides and Reference Material was readily available for you.

All in all, every step of the way, the CSEET has not been your journey alone, but one that we have travelled together, every step of the way.

As I share my visions and views with you, one last time, I feel elated to have this unique bond that we have built spanning over the last one year. If I am to reminisce the initiatives that we so proudly launched and introduced for the students appearing for the CSEET Examinations, the Centralised Free Online Classes come top of the mind. It was understood that for students appearing for the Examinations, it was necessary to have the right knowledge and guidance. And if one was to reap the fruits of the digital era, the Online Classes became the beacon of knowledge and much better understanding.

This year we released the CSEET Guide and the Reference Material too is constantly updated. All we expect of you is to put in your heart and soul towards the achievement of your ultimate goal – of becoming a Company Secretary – a true Governance Professional.



This being my last address, I would leave you with a word of advice. Friends, today as I look back at my entire journey till date, I believe that no dream is too big, no goal is ever unattainable, if only you have the commitment to seek it and the dedication to achieve it. Always aspire for more, more than you can ever think of yourself to be capable of and sky is the limit...!

With that note, I would extend my heartiest wishes to you and your loved ones of the onset of the New Year 2024. May the new year bring vigour and vitality to your body, strength to your thoughts and success in your endeavours.

A very Happy New Year !!!

Regards,

**CS Manish Gupta**

*President*

The Institute of Company Secretaries of India

Dated : January 18, 2024

## ***COP28 : UN Climate Change Conference\****

### **Introduction**

The COP28 UN Climate Change Conference in Dubai, the United Arab Emirates, was the biggest of its kind. Some 85,000 participants, including more than 150 Heads of State and Government, were among the representatives of national delegations, civil society, business, Indigenous Peoples, youth, philanthropy, and international organizations in attendance at the Conference from 30 November to 13 December 2023.

COP28 was particularly momentous as it marked the conclusion of the first ‘global stocktake’ of the world’s efforts to address climate change under the ***Paris Agreement***.

It may be noted that the Paris Agreement is a legally binding international treaty on climate change. It was adopted by 196 Parties at the UN Climate Change Conference (COP21) in Paris, France, on 12 December 2015. It entered into force on 4 November 2016. Its overarching goal is to hold ***“the increase in the global average temperature to well below 2°C above pre-industrial levels” and pursue efforts “to limit the temperature increase to 1.5°C above pre-industrial levels.***

Having shown that progress was too slow across all areas of climate action – from reducing greenhouse gas emissions, to strengthening resilience to a changing climate, to getting the financial and technological support to vulnerable nations – countries responded with a decision on how to accelerate action across all areas by 2030. This includes a call on governments to speed up the transition away from fossil fuels to renewables such as wind and solar power in their next round of climate commitments.

### **Major outcomes from COP 28**

The major outcome from COP 28 included the decision on Outcome of the First Global Stocktake, ratcheting up global climate ambition before the end of the decade. These global efforts will be taken up by the countries in a nationally determined manner taking into account the Paris Agreement and their different national circumstances. Another major outcome of COP 28 is the agreement on the operationalization of the Loss and Damage Fund and its funding arrangements.

The decision on ***Loss and Damage Fund*** adopted at COP 28 approved the Governing instrument of the Loss and Damage Fund and decided that the Fund will be serviced by new, dedicated and independent secretariat. It was also decided that the Fund will be supervised and governed by the Board. The Fund is accountable to and functions under the guidance of the Conference of Parties serving as the meeting of the Parties to the Paris Agreement (CMA). Since the decision, an amount of around USD 700 million to date has been pledged by several countries, including United Arab Emirates, Germany, United Kingdom, European Union, Japan. The purpose of the Fund is to assist developing countries that are particularly vulnerable to the adverse effects of climate change in responding to economic and non-economic loss and damage associated with the adverse effects of climate change, including extreme weather events and slow onset events. The detailed decision text on Loss and Damage Fund adopted at COP 28.

*\* Chittaranjan Pal, Deputy Director, The ICSI.*

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Another major outcome related to Loss and Damage is the decision on **Santiago network** for averting, minimizing and addressing loss and damage to catalyse the technical assistance of relevant organizations, bodies, networks and experts for the implementation of relevant approaches associated with climate change impacts. The host of the Secretariat for the Santiago Network was finalized at COP 28. The joint consortium of the United Nations Office for Disaster Risk Reduction and the United Nations Office for Project Services have been selected as the host of the Santiago network secretariat for an initial term of five years, with five-year renewal periods.

Countries including Canada, Japan, Spain, Switzerland and the United States of America have announced their financial contributions to the work of the Santiago network.

**Linking Climate Action with Nature Conservation:** COP28 resulted in unprecedented recognition and momentum for linking efforts to address the climate and biodiversity crises. Alongside pollution, these make up the triple planetary crisis – the three, main interlinked environmental issues facing humanity.

Governments were called on to consider ecosystems, biodiversity and carbon stores, such as forests, when developing their stronger national climate action plans (known as nationally determined contributions), which are due by early 2025.

### **India's National Statement at COP-28**

Hon'ble Union Minister for Environment, Forest and Climate Change, Shri Bhupender Yadav presented India's national statement at COP28 in Dubai on December 9, 2023. He reaffirmed India's commitment underlined by PM Narendra Modi to work together for the common objective of a greener, cleaner, and healthier planet as we have One Earth, we are One Family and we share One future. He said, *"India has been at the forefront of supporting action-oriented steps at the global level in response to climate change. We have always held the view that people and the planet are inseparable and that human well-being and Nature are intrinsically linked. In our endeavour to decouple economic growth from greenhouse gas emissions, India has successfully reduced the emission intensity vis-à-vis its GDP by 33% between 2005 and 2019, thus achieving the initial NDC target for 2030, 11 years ahead of the scheduled time. India has also achieved 40% of electric installed capacity through non-fossil fuel sources, nine years ahead of the target for 2030. Between 2017 and 2023, India has added around 100 GW of installed electric capacity, of which around 80% is attributed to non-fossil fuel-based resources. We have therefore revised our NDCs upwards indicating our deep commitment towards enhanced climate action."*

Highlighting India's significant role and contribution towards climate action at the international level, Hon'ble Union Minister added, *"In addition to its domestic initiatives, India's contribution to climate action has been significant through its international efforts such as International Solar Alliance (ISA), Coalition for Disaster Resilient Infrastructure (CDRI), creation of LeadIT, Infrastructure for Resilient Island States (IRIS) and the Big Cat Alliance. The Global Biofuel Alliance, launched when the G20 leaders met in New Delhi earlier this year, seeks to serve as a catalytic platform fostering global collaboration for advancement and widespread adoption of biofuels."*

### **Looking ahead**

The negotiations on the 'enhanced transparency framework' at COP28 laid the ground for a new era of implementing the Paris Agreement. UN Climate Change is developing the transparency reporting and review tools for use by Parties, which were showcased and

tested at COP28. The final versions of the reporting tools should be made available to Parties by June 2024.

The next two years will be critical. At COP29, governments must establish a new climate finance goal, reflecting the scale and urgency of the climate challenge. And at COP30, they must come prepared with new nationally determined contributions that are economy-wide, cover all greenhouse gases and are fully aligned with the 1.5°C temperature limit.

*“We must get on with the job of putting the Paris Agreement fully to work. In early 2025, countries must deliver new nationally determined contributions. Every single commitment – on finance, adaptation, and mitigation – must bring us in line with a 1.5-degree world”* said UN Climate Change Executive Secretary Simon Stiell at COP 28.

Further, Simon Stiell added that *“My final message is to ordinary people everywhere raising their voices for change. Every one of you is making a real difference. In the crucial coming years your voices and determination will be more important than ever.”*

**COP28 also saw Parties agree to Azerbaijan as host of COP29 from 11-22 November 2024, and Brazil as COP30 host from 10-21 November 2025.**

**Source:**

1. <https://unfccc.int/cop28/5-key-takeaways>
2. <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1987760>
3. <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2023/dec/doc20231212285701.pdf>

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## *An Overview of Business Report\**

### **Introduction**

Business reports are indispensable to every business organization. They give an overview of the performance of the company along with an analysis of business operations. These reports must be well written because they include important information for the stakeholders and managers of the company. Poor quality results can lead to misrepresentation of data which in turn can affect the flow of revenue.

Generally, a business report comprises of the following:

- Table of contents – This will help guide your readers through the different topics.
- Purpose – The purpose of the report will summarize what it aims to do.
- Background – A background of the subject of the report will help introduce the main topic.
- Findings – This will include the data and information you have gathered about a particular operation or other relevant things about the business.
- Discussion – Discussion involves different opinions and viewpoints about the findings.
- Recommendations – The recommendations section will provide recommendations about how the particular issue or problem in question can be improved or resolved.
- Conclusion – The concluding portion will sum up the findings and observations of the report. You can also add an appendix to present additional data.

### **Advantages of Business Reports**

The main characteristic of a business report is that it is used as a tool for communication, analysis and decision-making. There are a number of benefits of business reports. They are:

- 1) *Helps in making crucial business decisions:* Good report writing is a key ingredient in making important decisions and taking steps towards the development of a company. The information provided in a business communication report is used to formulate strategies, take action and analyze complex problems.

*\* Dr. Akinchan Buddhodev Sinha, Deputy Director, The ICSI.*

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- 2) *Business reports act as a tool for managers:* Business reports are a great managerial tool. They make it easy for the managers and executives in a company to oversee how the business is running. Managers use the components in business reports to achieve the following functions:
  - Coordinate
  - Control
  - Plan
  - Organize
  - Analyze
  - Motivate
- 3) *Represent important facts and business data:* The purpose of a business report is to communicate factual data and accurate information. Business reports rely on information collected through researching and consulting credible sources. For example, the stats about a company's monetary standing are recorded in a financial report.
- 4) *Overcoming business challenges:* Any kind of business sees its highs and lows. Over the lifespan of a business, challenges and problems of various kinds may arise. Reports help in recording and analyzing problems. These reports can be referenced in the future to solve these issues from recurring.
- 5) *Recourse for investigation:* Reports are crucial for documenting research, accidents, field studies, etc. The researchers conduct their studies and the key findings of their investigation are written in the form of reports. Along with this, they may offer solutions and recommendations for solving the issues that arise.
- 6) *Help to communicate important information:* One of the prime benefits of a report is that it serves as a communication channel. There are many different types of business reports that bridge the gap between different sectors and executives of a company. They also reduce the administrative distance between different levels of management.

### Limitations of Business Reports

In the above section, we discussed the advantages of a business report. The importance of business reports in the effective functioning of a company is crucial. They are a vital part of any business. However, there are a few drawbacks and limitations to business reports come. They are:

- 1) *Business reports are not interactive:* One major limitation of a report is that they are not interactive. Once a report is drafted and submitted, it takes some time for the manager to review it and offer feedback. This could cause delays in communication and lead to a waste of time.
- 2) *Business reports can be biased:* Report writing must always contain factual and accurate information for effective decision-making. A writer may slip personal bias and opinions into the report. This could change the nature of a report which is supposed to be unbiased and objective.

- 3) *Extensive use of technical jargon:* Business reports should be easy to understand and skim through for busy managers. However, sometimes a writer may include extensive technical language and “insider terms” in the report making its readability suffer.
- 4) *Outlining is time-consuming:* A report usually must follow a set format and guidelines. Before writing it, a writer must collect factual information from different sources and prepare an outline for the report. This information is then written accordingly in an introduction, body and conclusion format.
- 5) *Limited Time Span:* As a company carries operations, the need for reports increases. A report is prepared for a specific time and purpose. After this purpose is achieved, the report becomes redundant. This makes the usefulness of a report valid only for a limited amount of time.
- 6) *Inaccurate data cannot be changed once drafted:* The purpose of a business report is to convey factual data collected from credible sources. However, sometimes the data collected may be subject to change. It cannot, however, be reflected in a report that’s already drafted.

## Essentials of Business Reports

1. *Covers the basics:* One of the most important factors contributing to a successful business report is whether the report adequately covers the ‘essentials’. The first of these is to give investors, customers and stakeholders the information they need: current performance levels, strategic plans and the progress in implementing these. This part of the report should also explain how the businesses resources are being managed to meet the longer-term needs of the company.
2. *Succinct:* The second essential that business reports need to cover is to ensure that the content of the report is as clear and relevant as possible. Keep the business report as succinct as possible: most annual reports, for example, are roughly 204 pages long. Ensure that quantity is not replacing quality and keep reports as to-the-point as they can be.
3. *Right KPIs:* The third essential is to include operational Key Performance Indicators (KPIs) in order to provide a long term analysis. As stated in the KPMG Survey of Business Reporting, “To support a longer-term view of performance, companies should select measures that align closely with the specific factors that drive success for their business, such as the strength of the customer base.”
4. *Aligned with the strategic direction:* The fourth essential is to ensure your KPIs align with your strategic direction: by doing so, investors can identify the commercial success and prospects of the business.
5. *Long-term focus:* The fifth essential is to provide a thorough analysis of the businesses strategic plan: many businesses plan to focus only on short-term strategic improvements, but should also include analysis of longer-term corporate direction.

6. *Addresses risks*: Finally, the sixth essential is to ensure that the report's risk analysis is forward-thinking and relevant. A common mistake in business report writing is to get too bogged down in attempting to comply with regulations. A successful business report will help investors understand how the most important risks are being managed. Discussion of risk needs to address risks which are most relevant to business value, and those relating to growth strategies.

### References

1. <https://www.startupguys.net/mistakes-to-avoid-while-writing-business-reports/>
2. <https://clearinfo.in/blog/advantages-and-disadvantages-of-business-reports/>
3. <https://www.unleashedsoftware.com/blog/6-essentials-writing-better-business-reports>

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## Current Affairs\*

- **Launch of 'Viksit Bharat @2047: Voice of Youth' (December 11, 2023)**

**The Prime Minister, Shri Narendra Modi launched 'Viksit Bharat @2047: Voice of Youth' via video conferencing on December 11, 2023. During the program, Prime Minister Modi addressed the Vice Chancellors of Universities, Heads of Institutes and faculty members in workshops organized at Raj Bhawans across the country to mark the beginning of this initiative.**

Prime Minister Modi highlighted the role of educational institutions in the personality development of an individual and said that a nation becomes developed only with the development of its people. Underlining the importance of personality development in the present era, the Prime Minister extended his wishes for the success of the Voice of Youth workshop.

The Prime Minister said that in the life of any nation, history provides a time period when the nation can make exponential strides in its development journey. For India, "This Amrit Kaal is ongoing" and "this is the period in the history of India when the country is going to take a quantum leap". He gave examples of many nearby countries that took such a quantum jump in a set timeframe and turned into developed nations. "For India, this is the time, right time (Yahi Samay hai, Sahi Samay hai)", he said, adding that each and every moment of this Amrit Kaal should be utilized.

### ***About Vikshit Bharat***

In line with the Prime Minister's vision to actively involve the youth of the country in the formulation of national plans, priorities and goals of the country, 'Viksit Bharat @2047: Voice of Youth' initiative will provide a platform to the youth of the country to contribute ideas to the vision of Viksit Bharat @2047. The workshops will be a key step towards initiating the process of engaging youth to share their ideas and suggestions for Viksit Bharat @2047.

Viksit Bharat @2047 is the vision to make India a developed nation by 2047, the 100th year of independence. The vision encompasses various aspects of development, including economic growth, social progress, environmental sustainability, and good governance.

*For details: <https://pib.gov.in/PressReleasePage.aspx?PRID=1984882>*

- **Launch of NITI Aayog report, 'A Green and Sustainable Growth Agenda for the Global Economy'**

Shri Bhupender Yadav, Hon'ble Minister, Ministry of Environment, Forest & Climate Change and Ministry of Labour & Employment launched a G20 report, 'A Green and Sustainable Growth Agenda for the Global Economy' in New Delhi on December 20, 2023.

\*Collated by Mahesh Airan, Assistant Director, The ICSI.



In a significant collaborative effort, NITI Aayog, in partnership with the International Development Research Centre (IDRC) and the Global Development Network (GDN), published a report, 'A Green and Sustainable Growth Agenda for the Global Economy' based on the proceedings of the G20 international conference held in New Delhi on 28-29 July 2023, featuring 40 leading experts from 14 countries across the world.

He stated, "India has put forth the resolve to make climate action a collaborative process based on common but differentiated responsibilities. A swift, just and equitable transition to renewable energy sources must be underpinned by deep emission cuts and scaled-up finance. India has maintained that climate finance and technology are essential for enabling the Global South to achieve the twin objectives of sustainable and green growth. The countries of the Global South have had little to no contribution to the climate crisis. It is therefore imperative for the developed countries to help them combat climate change. The G20 New Delhi Leaders' Declaration stated that implementing the climate agenda requires several trillion dollars by 2030. At COP28, Hon'ble PM emphasized that the developed world must ensure a steady flow of climate finance that is accessible and affordable.

*For details: <https://pib.gov.in/PressReleasePage.aspx?PRID=1988779>*

- **Releases 'E-Commerce Exports Handbook for MSMEs' (December 28, 2023)**

Union Minister of Commerce & Industry, Consumer Affairs, Food & Public Distribution, and Textiles, Shri Piyush Goyal released the comprehensive "E-Commerce Exports Handbook for MSMEs" prepared by the Directorate General of Foreign Trade (DGFT) in New Delhi. He said that a significant initiative supporting the objectives of Foreign Trade Policy 2023, will prove to be a definitive guide for MSMEs seeking to harness e-commerce platforms for expanding their exports. The handbook, envisioned as a one-stop repository, provides detailed insights into strategies for promoting exports via e-commerce, facilitating MSMEs to venture into global markets effectively.

India's Foreign Trade Policy 2023 has a stated objective to support Cross-border E-Commerce exports. The policy focuses on empowering artisans, weavers, craftsmen, and MSMEs. An Inter-Ministerial Working Group has also been constituted to address the challenges of E-Commerce Exporters and provide comprehensive solutions. E-Commerce exports is one of the key focus areas in the Foreign Trade Policy.

*For details: <https://pib.gov.in/PressReleasePage.aspx?PRID=1991381>*

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## Global Harmonization of IPR\*

### Introduction

Intellectual property is dual in nature, meaning it exists on both a national and global scale. For example, national laws and regulations of a particular nation regulate patents, but international patent conventions provide basic rights and specify how contracting states can enforce those rights.

Global intellectual property rights (IPR) protection is essential for ensuring that all nations' economies continue to thrive and flourish in the future. International IPR treaties, in turn, are critical to providing the strong intellectual property protection that promotes the development of new technologies and worldwide economic expansion because they establish uniform laws and regulations.

The lack of protection mechanisms for Intellectual Property Rights (IPR) increases the vulnerability of works. With the advancement of IT, copying and modifying digital information has become more accessible and easy. IPR infringement is one of the main obstacles to the exchange of digital content in this sense. At the national and international levels, there are issues with intellectual property protection in the digital age that require prompt attention.

### Major International Mechanisms

#### *General Agreement on Trade in Services (GATS)*

General Agreement on Trade in Services (GATS) is the first ever set of multilateral, legally enforceable rules covering international trade in services. The creation of the GATS was one of the landmark achievements of the Uruguay Round, whose results entered into force in January 1995. The GATS was inspired by essentially the same objectives as its counterpart in merchandise trade, the General Agreement on Tariffs and Trade (GATT): creating a credible and reliable system of international trade rules; ensuring fair and equitable treatment of all participants (principle of non-discrimination); stimulating economic activity through guaranteed policy bindings; and promoting trade and development through progressive liberalization.

Like the agreements on goods, GATS operates on three levels — the main text containing general principles and obligations; annexes dealing with rules for specific sectors; and individual countries' specific commitments to provide access to their markets. Unlike in goods, GATS has a fourth special element lists showing where countries are temporarily not applying the most-favoured-nation principle of non-discrimination.

\* Snigdha Kashyap, Consultant, The ICSI.

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The GATS' contribution to world services trade rests on two main pillars: (a) ensuring increased transparency and predictability of relevant rules and regulations, and (b) promoting progressive liberalization through successive rounds of negotiations. Within the framework of the Agreement, the latter concept is tantamount to improving market access and extending national treatment to foreign services and service suppliers across an increasing range of sectors. It does not, however, entail deregulation. Rather, the Agreement explicitly recognizes governments' right to regulate, and introduce new regulations, to meet national policy objectives and the particular need of developing countries to exercise this right.

### ***World Intellectual Property Organization (WIPO)***

The World Intellectual Property Organization (WIPO), headquartered in Geneva is the United Nations agency dedicated to the use of intellectual property as a means of stimulating innovation and creativity. WIPO was established in 1970, following the entry into force of the WIPO Convention in 1967, with a mandate from its Member States to promote the protection of intellectual property throughout the world through cooperation among States and in collaboration with other international organizations. Its mission is to promote innovation and creativity for the economic, social and cultural development of all countries, through a balanced and effective international intellectual property system. WIPO expanded its role and further demonstrated the importance of intellectual property rights in the management of globalized trade in 1996 by entering into a cooperative agreement with the World Trade Organization.

WIPO serves as a forum for its Member States to establish and harmonize rules and practices for the protection of intellectual property rights. WIPO also services global registration systems for trademarks, industrial designs and appellations of origin, and a global filing system for patents.

The World Intellectual Property Organization promotes the development and use of the international Intellectual Property system through:

- Services - run systems which make it easier to obtain protection internationally for patents, trademarks, designs and appellations of origin; and to resolve IP disputes.
- Law - develop the international legal IP framework in line with society's evolving needs.
- Infrastructure - build collaborative networks and technical platforms to share knowledge and simplify IP transactions, including free databases and tools for exchanging information.
- Development - build capacity in the use of IP to support economic development.

### **Legal Frameworks under WIPO**

- a. **Patent Cooperation Treaty (PCT)** under Paris Convention assists applicants in seeking patent protection internationally for their inventions, helps patent offices with their patent granting decisions, and facilitates public access to a wealth of technical information relating to those inventions. By filing one international patent application under the PCT, applicants can simultaneously seek protection for an invention in a large number of countries.
- b. **Madrid Protocol:** The Madrid System for the International Registration of Marks is governed by the Madrid Agreement, concluded in 1891, and the Protocol relating to that Agreement, concluded in 1989. The system makes it possible to protect a mark in a large

- number of countries by obtaining an international registration that has effect in each of the designated Contracting Parties
- c. **Vienna Agreement** establishes an International Classification of the Figurative Elements of Marks called the Vienna Classification for marks that consist of, or contain, figurative elements.
  - d. **Nice Agreement** concerns the International Classification of Goods and Services for the Purposes of the Registration of Marks.
  - e. **Locarno Agreement** establishes an International Classification for Industrial Designs called the Locarno Classification.
  - f. **WIPO Copyright Treaty (WCT)** is a special agreement under the Berne Convention which deals with the protection of works and the rights of their authors in the digital environment. The Treaty also deals with two subject matters to be protected by copyright: (i) computer programs, whatever the mode or form of their expression; and (ii) compilations of data or other material ("databases").
  - g. **WIPO Performances and Phonograms Treaty (WPPT)** deals with the rights of two kinds of beneficiaries, particularly in the digital environment: (i) performers (actors, singers, musicians, etc.); and (ii) producers of phonograms (persons or legal entities that take the initiative and have the responsibility for the fixation of sounds).
  - h. **WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore** is, in accordance with its mandate, undertaking text-based negotiations with the objective of reaching agreement on a text(s) of an international legal instrument(s), which will ensure the effective protection of traditional knowledge (TK), traditional cultural expressions (TCEs) and genetic resources (GRs).
  - i. The **Standing Committee on Copyright and Related Rights (SCCR)** was set up in the 1998-1999 biennium to examine matters of substantive law or harmonization in the field of copyright and related rights.
  - j. **Hague System** for the International Registration of Industrial Designs provides a practical business solution for registering up to 100 designs in 74 contracting parties covering 91 countries, through the filing of one single international application
  - k. **Lisbon System** for the International Registration of Appellations of Origin and Geographical indications offers a means of obtaining protection for an appellation of origin or a geographical indication in the contracting parties through a single registration procedure and one set of fees.

### ***Trade Related Aspects of Intellectual Property Right (TRIPS)***

The TRIPS Agreement plays a critical role in facilitating trade in knowledge and creativity, in resolving trade disputes over intellectual property, and in assuring WTO members the latitude to achieve their domestic objectives. The Agreement is legal recognition of the significance of links between intellectual property and trade. The Uruguay Round achieved that. The WTO's TRIPS Agreement is an attempt to narrow the gaps in the way these rights are protected and enforced around the world, and to bring them under common international rules. It establishes minimum standards of protection and enforcement that each government has to give to the intellectual property held by nationals of fellow WTO members.



Under the TRIPS Agreement, WTO members have considerable scope to tailor their approaches to IP protection and enforcement in order to suit their needs and achieve public policy goals. The Agreement provides ample room for members to strike a balance between the long term benefits of incentivising innovation and the possible short term costs of limiting access to creations of the mind. Members can reduce short term costs through various mechanisms allowed under TRIPS provisions, such as exclusions or exceptions to intellectual property rights. And, when there are trade disputes over the application of the TRIPS Agreement, the WTO's dispute settlement system is available.

The TRIPS Agreement covers five broad areas:

- how general provisions and basic principles of the multilateral trading system apply to international intellectual property
- what the minimum standards of protection are for intellectual property rights that members should provide
- which procedures members should provide for the enforcement of those rights in their own territories
- how to settle disputes on intellectual property between members of the WTO
- special transitional arrangements for the implementation of TRIPS provisions.

### ***International Union for the Protection of New Varieties of Plants (UPOV)***

The International Union for the Protection of New Varieties of Plants (UPOV) is an intergovernmental organization with headquarters in Geneva (Switzerland). UPOV was established by the International Convention for the Protection of New Varieties of Plants. The Convention was adopted in Paris in 1961 and it was revised in 1972, 1978 and 1991. UPOV's mission is to provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society.

UPOV provides a system that enables plant breeders to protect their innovations and obtain a return on their investment in developing varieties that meet the needs of farmers and consumers. This, in turn, encourages them to continue investing in their plant breeding programs. UPOV supports the plant breeding landscape by enabling a diverse range of breeders and breeding programs to thrive, while also ensuring that the latest developments in plant breeding are available to farmers and growers around the world.

When a country joins UPOV, it benefits from support in establishing its domestic plant variety protection (PVP) system and can take advantage of opportunities to collaborate with international partners. Membership of UPOV helps ensure that plant variety protection extends to the widest range of plant genera and species for maximum economic, social and environmental benefit.

To obtain protection for a new variety, breeders need to file individual applications with the PVP Offices of the UPOV members in which they are seeking protection. That rather cumbersome administrative process has been made significantly easier with the launch of UPOV PRISMA, a multilingual online tool that saves plant breeders time and money.

### ***The Berne Convention***

The Berne Convention deals with the protection of works and the rights of their authors. It is based on three basic principles and contains a series of provisions determining the minimum

protection to be granted, as well as special provisions available to developing countries that want to make use of them.

The three basic principles are the following:

- a. Works originating in one of the Contracting States (that is, works the author of which is a national of such a State or works first published in such a State) must be given the same protection in each of the other Contracting States as the latter grants to the works of its own nationals (principle of “national treatment”). Under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), the principles of national treatment, automatic protection and independence of protection also bind those World Trade Organization (WTO) Members not party to the Berne Convention. In addition, the TRIPS Agreement imposes an obligation of “most-favored-nation treatment”, under which advantages accorded by a WTO Member to the nationals of any other country must also be accorded to the nationals of all WTO Members. It is to be noted that the possibility of delayed application of the TRIPS Agreement does not apply to national treatment and most-favored obligations.
- b. Protection must not be conditional upon compliance with any formality (principle of “automatic” protection).
- c. Protection is independent of the existence of protection in the country of origin of the work (principle of “independence” of protection). If, however, a Contracting State provides for a longer term of protection than the minimum prescribed by the Convention and the work ceases to be protected in the country of origin, protection may be denied once protection in the country of origin ceases.

The Berne Convention allows certain limitations and exceptions on economic rights, that is, cases in which protected works may be used without the authorization of the owner of the copyright, and without payment of compensation. These limitations are commonly referred to as “free uses” of protected works, and are set forth in Articles 9(2) (reproduction in certain special cases), 10 (quotations and use of works by way of illustration for teaching purposes), 10bis (reproduction of newspaper or similar articles and use of works for the purpose of reporting current events) and 11bis (3) (ephemeral recordings for broadcasting purposes).

### ***Universal Copyright Convention (UCC)***

The Universal Copyright Convention (UCC), adopted in Geneva, Switzerland, in 1952, is one of the two principal international conventions protecting copyright; the other is the Berne Convention. The Universal Copyright Convention of 1952 provides a simple and ingenious solution to this problem. It prescribes that the formalities required by the national law of a contracting state shall be considered to be satisfied if all the copies of a work originating in another contracting state carry the symbol ©, accompanied by the name of the copyright owner and the year of first publication. If it were to be as universal as its title claims, the Convention not only had to recognize copyright as a human right but also to act as a kind of bridge between the world’s different legal and social systems. As an attempt to devise a legal common denominator which would foster respect for the rights of creators and also encourage the international circulation of literary, scientific and artistic works, the UCC had a dual thrust.

The UCC was developed by United Nations Educational, Scientific and Cultural Organization (UNESCO) as an alternative to the Berne Convention for those states which disagreed with aspects of the Berne Convention, but still wished to participate in some form of multilateral copyright protection.

The 1952 Convention satisfies these two conditions. Its protective norms are expressed in the form of general principles which can be given different shades of interpretation depending on the specific identity of each state. The Convention limits the term of protection of copyright to twenty-five years after an author's death, thus permitting the accession of the USSR. But correlatively the Convention provides for the works of the citizens of each contracting state the same protection in other contracting states as it does for the works of authors belonging to those states. The prohibition of any discrimination in a given state between authors who are nationals of that state and foreign authors who may invoke the Convention is evidence of a universal concept of the protection of intellectual works.

#### References :

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## Sample Questions

### Paper 1 : Business Communication

1. A \_\_\_\_\_, by definition, is placed before a noun or its equivalent in order to show its relationship in terms of time, place, etc.
  - a. Preposition
  - b. Adverb
  - c. Verb
  - d. Adjective
2. The words a or an and the are called \_\_\_\_\_.
  - a. Adverbs
  - b. Articles
  - c. Nouns
  - d. Adjectives.
3. Megastar, megalith and megawatt are examples of which form of prefixes?
  - a. Time Prefixes
  - b. Number Prefixes
  - c. Size Prefixes
  - d. Status prefixes
4. The communication which passes from one person or process to another person or process in a vertical pattern is called \_\_\_\_\_.
  - a. Chain Network
  - b. Circuit Network
  - c. Wheel or Spoke Network
  - d. Vertical Network
5. \_\_\_\_\_ briefly state the purpose of the report, it will briefly describe the methodology used to investigate the issue and it will list the key points and findings that are found in the report.
  - a. Executive summary.
  - b. Analysis and fact finding procedure.
  - c. Collection of the data and facts.
  - d. Conclusion



## Paper 2 : Legal Aptitude and Logical Reasoning

6. How many categories of fundamental rights are guaranteed under Part III of the Indian Constitution?
  - a. Four
  - b. Five
  - c. Six
  - d. Seven
7. Sub Clause (f) of Article 19(1) of the Constitution of India is omitted by which of the following amendments?
  - a. The Constitution (Tenth Amendment) Act
  - b. The Constitution (Forty-second Amendment) Act
  - c. The Constitution (Forty-fourth Amendment) Act
  - d. The Constitution (Forty-Eighth Amendment) Act
8. What is the status of an agreement not enforceable by law?
  - a. *void ab initio*
  - b. Illegal
  - c. Voidable
  - d. None of these
9. Given that 10<sup>th</sup> January is Wednesday, what will be the day on 1<sup>st</sup> March of the next year?
  - a. Thursday
  - b. Friday
  - c. Thursday or Friday
  - d. Friday or Saturday
10. Which of the given comes in place of question mark?  
.5, 1, 3, 11, ? 171
  - a. 40
  - b. 41
  - c. 42
  - d. 43

### ***Paper 3 : Economic and Business Environment***

11. “No Change in the Range of Goods Available to the Consumers”, is the assumption of which of the following laws of economics?
  - a. Law of Demand
  - b. Law of Variable Proportions
  - c. Law of Increasing Returns to Scale
  - d. Law of Decreasing Returns to Scale
12. “No change in the tax and subsidy policy of the products”, is the assumption of which of the following laws of economics?
  - a. Law of Variable Proportions
  - b. Law of Supply
  - c. Law of Increasing Returns to Scale
  - d. Law of Decreasing Returns to Scale
13. The formula for elasticity of demand is:
  - a.  $E_p = \text{Percentage Change in Quantity Demanded} / \text{Percentage Change in Price}$
  - b.  $E_p = \text{Percentage Change in Quantity Demanded} \times \text{Percentage Change in Price}$
  - c.  $E_p = \text{Percentage Change in Price} / \text{Percentage Change in Quantity Demanded}$
  - d.  $E_p = \text{Percentage Change in Price} \times \text{Percentage Change in Quantity Demanded}$
14. \_\_\_\_\_ is one when the percentage change produced in demand is less than the percentage change in the price of a product.
  - a. Unitary elastic demand
  - b. Relatively elastic demand
  - c. Relatively inelastic demand
  - d. Perfectly elastic demand
15. “The production of goods for self-consumption should be counted while measuring national income” is a requirement under which of the following methods of computing national income?
  - a. Value Added Method
  - b. Product Method
  - c. Expenditure Method
  - d. Sales Method

### ***Paper 4 : Current Affairs and Quantitative Aptitude***

16. In which of the following cities, Prime Minister Narendra Modi inaugurated the world's largest meditation center?
  - a. Patna
  - b. Lucknow
  - c. Varanasi
  - d. Ahmedabad
  
17. Which of the following cities is being developed as India's first 'AI City'?
  - a. Lucknow
  - b. Jaipur
  - c. Chennai
  - d. Kolkata
  
18. Who has been appointed as the Chairman of the 16th Finance Commission by the Central Government?
  - a. Shaktikanta Das
  - b. Raghuram Rajan
  - c. Arvind Panagariya
  - d. Alok Gandhi
  
19. India has started its tenure as a member of the United Nations Statistical Commission for how many years?
  - a. 2 years
  - b. 4 years
  - c. 5 years
  - d. 6 years
  
20. Who has taken oath as the new Chief Minister of Rajasthan?
  - a. Bhajanlal Sharma
  - b. Diya Kumari
  - c. Sachin Pilot
  - d. Balak Nath

21. A walks 3 kms towards his right, than took a right and walked 5 kms, than turned right and walked for 4 kms and than took a right and walked for 5 kms. In which direction A is from the point he started?
- North-East
  - North-west
  - West
  - South
22. What is 200 percent of 5 percent of 10 percent of 5000?
- 50
  - 500
  - 5000
  - None of these

**Answer Key:**

1	a	6	c	11	a	16	c
2	b	7	c	12	b	17	a
3	c	8	a	13	a	18	c
4	d	9	c	14	c	19	b
5	a	10	d	15	a	20	a
						21	c
						22	a

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## Motto

सत्यं वद | धर्मं चर ।

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