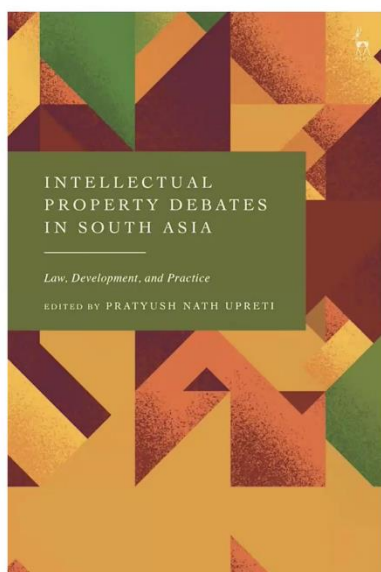


Asia-Pacific IP Dialogue Series Book Seminar: Intellectual Property Debates in South Asia: Law, Development, and Practice

August 10 2026

On 10 August 2026, the Hong Kong Commercial and Maritime Law Centre (HKCML), in collaboration with the Asian Pacific Copyright Association (APCA), held the Asia-Pacific IP Dialogue Series Book Seminar, reviewing the book “*Intellectual Property Debates in South Asia: Law, Development, and Practice*”. The seminar was moderated by **Prof. Tianxiang He** (President of APCA, Associate Professor and Associate Director of HKCML). The book was introduced by the Anthology Editor **Dr. Pratyush Nath Upreti** (Reader in Law, Queen’s University Belfast). Chapter Author **Dr. Arul George Scaria** (Professor of Law, National Law School of India University) and **Ms. Varsha Jhavar** (IP and IT Litigator) also did the sharing. **Dr. Corinne Tan** (Academic Fellow, TRAIL, National University of Singapore) was the discussant.



Asia-Pacific IP Dialogue Series Book Seminar

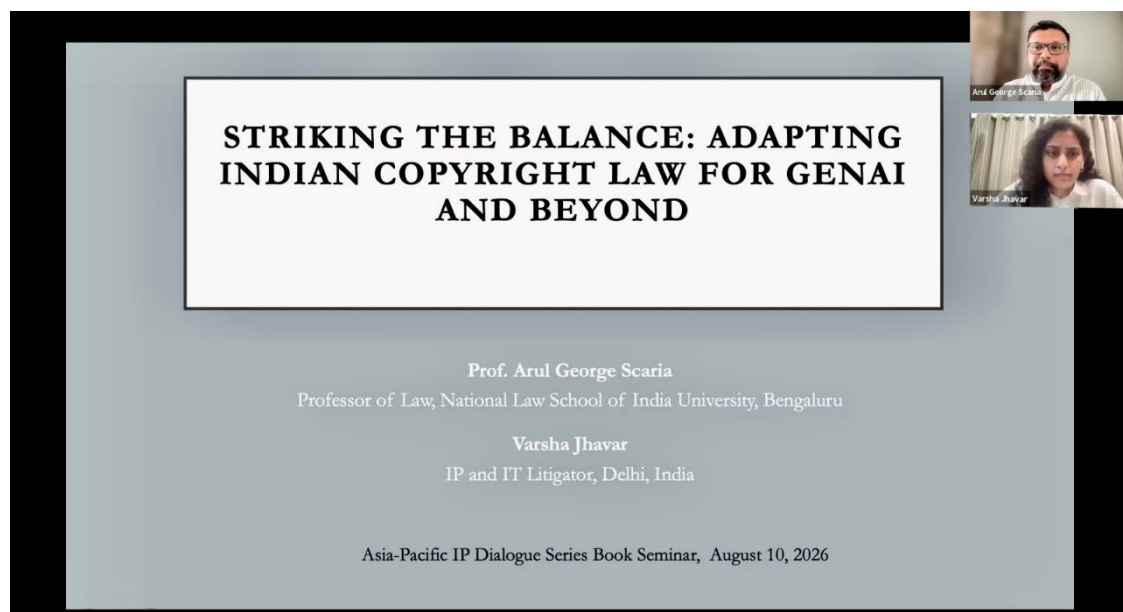
Asia Pacific Copyright Association (APCA) and City University of
Hong Kong

10 August 2026

Dr Pratyush Nath Upreti
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Dr. Upreti opened the discussion with an overview of the book’s origins and key scholarly contributions. This book fills the gap by bringing together intellectual property (IP) scholarship from India, Pakistan, Sri Lanka, Nepal, Bangladesh, and Afghanistan for the first time.

A distinctive feature of the book is its interdisciplinary and decolonial approach, moving beyond doctrinal analysis to examine IP through the lenses of colonial history, political development, and social justice. The book also promotes intra-regional comparative learning, exploring how countries like Nepal and Bhutan – which are developing their IP systems – can draw lessons from more established jurisdictions such as India. Importantly, the book challenges the conventional view of IP as a “neutral Western transplant” and advocates for an IP vision grounded in equity, inclusivity, and developmental justice.

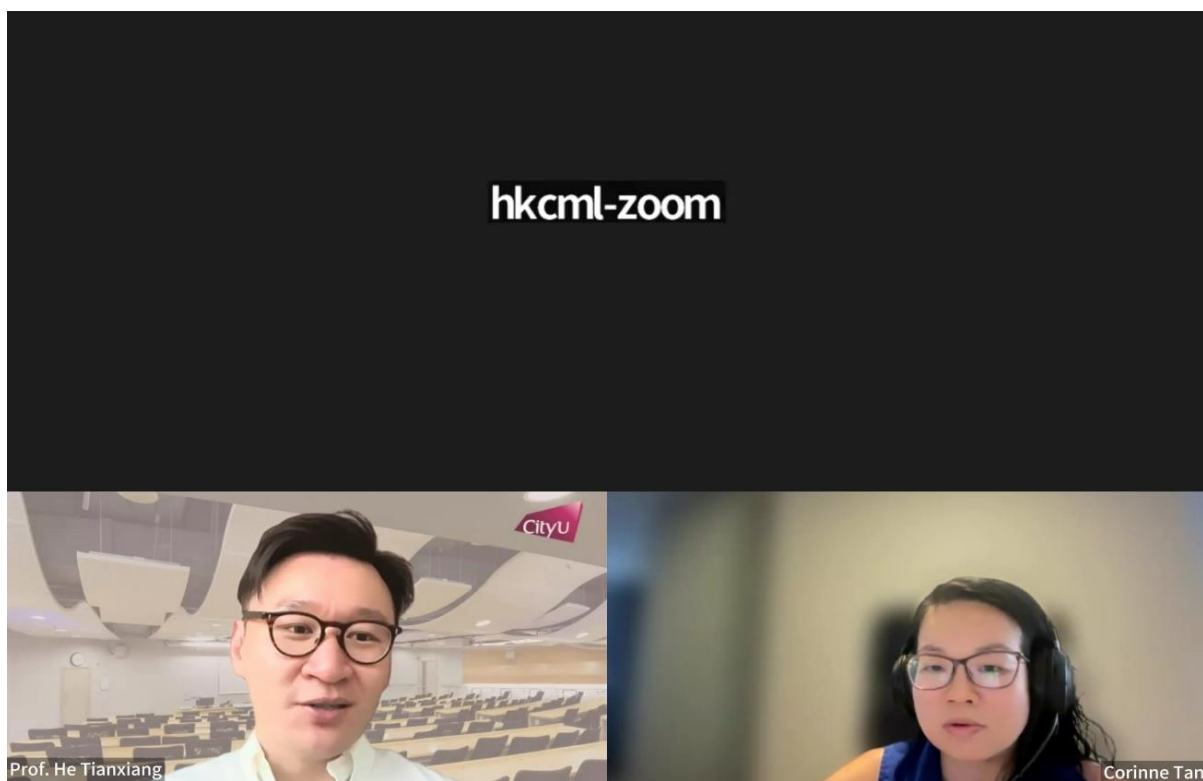


The second part of the seminar turned to recent AI and copyright developments in India. **Dr. Arul George Scaria** and **Ms. Varsha Jhavar** jointly presented their chapter contribution to the book.

They noted that India’s copyright regime follows the UK’s “closed” fair dealing tradition and lacks a specific exception for text and data mining (TDM), creating significant legal uncertainty

in the context of generative AI. To address this, they propose a three-pronged reform framework that balances flexibility with predictability. This approach aims to provide clear guidance for courts while preserving judicial discretion to balance the interests of copyright holders, technology developers, and the public.

They also analysed the Delhi High Court's interim ruling in *ANI vs. OpenAI*. Notably, the Court did not adopt the US four-factor fair use test, but instead developed its own three-factor framework, which closely mirrors the three-factor model proposed by Dr. Scaria and Ms. Jhavar. However, they cautioned that the legal position remains unsettled: future courts or judges could reach different conclusions. This reinforces the urgent need for legislative reform to establish a consistent and predictable legal standard.



Subsequently, **Dr. Corinne Tan** had a thoughtful discussion with authors regarding the objectivity of the three-factor test, concerns about judicial predictability, and the absence of a “substantiality” factor in the proposed framework.

Participants also discussed the European Union's experience with TDM exceptions, the criticisms levelled against the EU model, and the Indian government's recent working paper proposing a mandatory collective licensing scheme for AI training.

To conclude the seminar, closing remarks were delivered by **Prof. He**, who expressed gratitude to all the participants representing HKCML and APCA.

For more information about the book in this seminar, please visit:

<https://www.bloomsbury.com/uk/intellectual-property-debates-in-south-asia-9781509978809/>