



**SHRI SHANTANU MUKHERJEE**

**FOUNDER- EX LEGE CHAMBERS, ADVOCATES, MEDIATORS AND POLICY ADVISORS**

*We are happy to introduce Sri Santanu Mukherjee, an Advocate, accredited Mediator and legal strategist. With around 25 years' experience, he is founder of Ex Lege Chambers, Advocates, Mediators & Policy Advisors and specialises in IPR, International Trade (WTO) and Technology laws. A member of the Supreme Court Bar Association, International Bar Association and one of the founder members of the Indian National Bar Association, he practices dispute resolution and mediation and also works extensively on regulatory - policy advisory.*

1. Santanu Sir, you have excellently carried out the roles of a litigator, mediator, legal strategist, public policy advisor and a great mentor to the coming generation of lawyers. It seems it comes very naturally to you, is that the case?

True, today I am at ease handling different sorts of challenges, some involve pure dispute resolution through contentious engagements, while some are best suited for resolution through mediation and others are of transactional nature. There are other matters too that are in public policy domain and I especially enjoy doing them since that involves legal analysis as well as advocacy in lucid non-legalistic manner.

However, this has happened after years of legal practice with an intention to learn, unlearn and learn every moment and of course assimilate feedback constructively.

2. You have spent around eight long years working at Qualcomm, one of the leading technology companies. Please tell us about the shift from Qualcomm to setting up your own law firm, ExLege Chambers.

Eight years at Qualcomm had indeed been fascinating, being part of a global team, learning every moment, it gave me a 360 degrees approach rather than a transactional piecemeal one. I could also build on my earlier engagements with WIPO, WTO, and other multilateral bodies and engage at a number of Climate Change negotiations among many more memorable assignments. But at the end of the day, since my attachment with Littleton Chambers at Inner Temple Bar in London during my Chevening days, I always wanted to setup a multi-practice chambers. The route was via Luthra and Luthra where I spent a year heading their international trade and policy practice as partner and understanding today's legal practice better. So finally, I bit the entrepreneurial bullet and set up my boutique chambers.

3. Coming to the next big thing, how does it feel to be British Chevening Scholar? If you could also throw some light on the scholarship programme.

The Chevening programme was the UK government's much sorted Commonwealth Scholarship programme. It was my window to modern law education and practice, both at the firm and chambers level. For me, an "ordinary student" coming from South Calcutta Law College and not one of those fancy National Law Schools which often ruled the international scholarship turfs, it was an assurance that hard dedicated work does not just open windows but also doors. I attended the British Chevening Programme for Young Indian Corporate, Commercial Lawyers 2000 at the College of Law of England and Wales at York, now University of Law, York, U.K. I believe they have stopped the programme long back and instead have increased a number of

graduate programmes. One needs to check the British Council website for details and can opt for Masters in many fields of law at different UK universities.

4. What do you think are the biggest hurdles when it comes to IP Prosecution and Enforcement in India?

“IP prosecution” is a more generic expression, if we pick up prosecution of patents, designs and trademarks at the patent office and registry, I definitely do not think there are hurdles. In fact, there has been a sea change in prosecution of both patents and trademarks with streamlined and improved administration of IP in India. The Union government of India needs to be lauded for facilitating individual inventors and MSMEs to use the IP system through a number of incentives that include those for start-ups. As for enforcement of IPRs, there can be civil remedies against infringements and in certain cases of passing-off under common law. Here we see that although higher courts of law had repeatedly passed orders for early closure of suits, most of them still take considerable time to close, thus most right holders still depending on interim injunctive remedies. In case of criminal prosecution where applicable, even with capacity building initiatives among police officials from economic cells and IP cells there is still often lack of understanding of IP that hinders criminal prosecution in India. But I have to say that enforcement, both civil and criminal have improved significantly in the past ten years.

5. How would you advise the current students to explore the area of Intellectual Property and Technology Law? Any ideal methodology one could adopt?

First of all, if a person is a law student and has IP studies in the curriculum, it will be worth to take it as a subject to understand the basics. For those students, including law students who cannot opt for IP law as part of their curriculum, there are a number of certificate and diploma courses conducted by different Indian universities that they can opt for. Further, the World Intellectual Property Organisation (WIPO Academy) has an excellent online programmes with the foundational courses free that may be

worth considering. Those students from science and engineering background can seriously consider studying patent law and attend patent drafting courses delivered by WIPO. The Rajiv Gandhi National Institute of Intellectual Property Management also holds such trainings from time to time. I don't think there is any set methodology other than consistent training and practice.

6. In the academic landscape where a law student has a number of significant things to do throughout their law school, how would you advise them to prioritize different tasks in college? How important do you think publications are for a student of law?

Needless to say, like all others students, hard work and dedication will bear fruits for sure. But given the wide gamut of law subjects and need for acquiring professional skills, a law student needs to be structured and organised in managing time. Along with regular curriculum, it is important to read peer-reviewed articles, especially in domains that interests the students more and start writing researched articles. Gradually the student will improve and would be able to publish them in law journals not just at the university but across the world. This is important as it establishes one's skills in legal research, analysis as well as ability to comprehend in clear language. At the same time students need to make sure that there is time allotted to honing essential lawyering skills like drafting, negotiations, advocacy apart from communication and presentation skills through activities like moots and debates.

7. What is the one major thing which you think is lacking in the new generation of lawyers? Any advice you would like to give them and to our readers?

Patience to learn in a consistent manner. The famous jurist Jeremy Bentham had said, "*The power of the lawyer is in the uncertainty of the law*". One indeed needs to be consistent in learning the law, to be able to understand its application and only then identify the uncertainties. There is no short cut.