



TRIPS for Uzbekistan: Lessons from China

- Amrita Nandi (II B.A.LL.B.)

As a minimum standards accord, the TRIPS Agreement permits its members to offer more comprehensive intellectual property protection if they so choose. It is up to the members to decide how best to apply the terms within their legal environments. Innovation and knowledge are the watchwords of the Trade-Related Aspects of Intellectual Property Rights. The Agreement promotes uniformity and harmony across the WTO member states.

There has been a surge in the adoption of e-commerce practices across the globe. The volume of cross-border trade activities has increased with the emergence of e-commerce. This surge is not just limited to the developed nations but many of the developing nations are the forerunners of this movement. This article will provide an analysis of the impact of TRIPS on e-commerce. It will utilize China's case study to deduce implications for Uzbekistan.

Drawing on colossal global transactions, China has come forward as the largest e-commerce

market. China acceded to the World Trade Organisation (WTO) in 2001, adhering to the TRIPS agreement. China's robust TRIPS framework enforcement has contributed to increased consumer trust and foreign investment in its domestic markets. This Rome was not built in a day, rather China faced many challenges in its initial stages of digital transformation, ranging from counterfeit goods to deteriorating international trust in its e-commerce markets. These struggles were faced by platforms like Taobao when Louis Vuitton filed complaints against the presence of counterfeit products on Taobao. Following TRIPS was the introduction of NTD-Notice and Take Down systems which enhanced accountability and compliance by platforms. China overhauled its Copyright Law and the Customs Regulations. It is pertinent to note that China's success in areas of innovation and intellectual property has made the TRIPS agreement more attractive for developing nations.

According to a 2023 report, Uzbekistan's expected e-commerce revenues are projected to have an average annual growth of 18.7% by 2025. This is a crucial time for this Euro-Central Asian

News at a Glance

The UN Group of Human Rights Experts on Nicaragua warned on Wednesday that the regime of President Daniel Ortega transformed Nicaragua into an authoritarian state. UN experts call for international action. The UN group of experts released a new report on the situation in Nicaragua. For more information, view [here](#)

Human Rights Watch says that Sudanese armed groups intentionally targeted civilians in attacks on 10 January 2025, calling on the government to hold groups accountable in an investigative report on Wednesday. For more information, view [here](#)

The Council of the European Union (EU) released on Monday another package imposing sanctions on individuals and entities accused of enabling Russia's indiscriminate attacks on Ukraine, marking the 16th sanction package since the start of Russia's invasion of Ukraine. For more information, view [here](#)



country to become a regional leader in e-commerce. What stands in the way are problems like digital illiteracy, lack of consumer-friendly mechanisms, obsolete customs regulations, and reliance on economic courts for intellectual property disputes. Learning from China, the lessons are clear: implementing NTD systems, aligning with international laws, fostering public-private partnerships, and overhauling trademark laws.

For countries like Uzbekistan, a growing economy that is yet to be a part of WTO, TRIPS can serve as more than just a catalyst for their broader goals of economic growth. The efficacy of international law in governing global trade faces challenges essentially pertaining to adoption and compliance by developing economies. The approach should be that of active participation in the international legal framework to facilitate its incorporation into the growing global economy. This will boost economic growth in developing nations by aligning with global intellectual property standards, enhancing consumer trust, attracting foreign investment, and fostering innovation.

UNCLOS and the Red sea crisis - Trisha Bangri (II B.B.A..LL.B.)

An estimated 12% of global trade worth more than \$ 1 trillion passes through the Red sea every year. The passage of this huge amount of cargo makes the Gulf of Aden which connects Asia to Europe and the America, one of the most important choke points in maritime shipping with the ability to cause shortages in the supply of essentials like food and oil worldwide.

Recent escalation of tension in the gulf due to the ongoing Yemeni civil war have led to huge disruptions in world trade and an increase in shipping costs, insurance premiums, travel risk and unpredictable delays. Most ships are now forced to take a lengthy detour around the continent of Africa and the cape of Good Hope in attempts to avoid the Houthi rebels of the Red sea.

The United Nations has on multiple points in the ongoing crisis emphasised about the importance of peace in the Red Sea and has upheld rights of passage of multiple countries in accordance to the United Nations Convention on Laws Of the Sea

News at a Glance

On 3 October 2024, following two years of negotiations and judicial proceedings in various fora, the United Kingdom (the "UK") and the Republic of Mauritius ("Mauritius") jointly announced that they had reached a political agreement on the exercise of sovereignty over the Chagos Archipelago. The agreement is subject to finalisation of a treaty and supporting legal instruments. For more information, view [here](#)

The International Federation for Human Rights (FIDH) submitted a report on Thailand to the UN Special Rapporteur on the right to health. The report analyzed the right to health of individuals deprived of their liberty in Thailand while consistently failing to uphold the right to health of prisoners as guaranteed under Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). For more information, view [here](#)



(UNCLOS) passed in 1982 which addresses issues relating to laws of the sea.

In January of 2024 the United Nation Security Council (UNSC) also passed [Resolution 2722](#) reaffirming the UNCLOS and its objective to counter illicit activities at sea, demanding an end of Houthi attacks on commercial ships in the gulf of Aden. However despite this the attacks by the Houthis rebels have only increased in retaliation to the United Nations and to show their [support](#) for Palestine in the ongoing Israel-Palestine war.

The [UNCLOS](#) through its multiple sections provides for various [rights to vessels](#) travelling in high seas or the territorial waters of other countries. However the actions of the Houthi rebels violates the UNCLOS with one of the main violations being the disruption of the right to innocent passage and navigation as provided by sections 17 and 90 respectively. Section 36 of the Act further provides for the right to navigation through straits in high seas. The Bab - al - Mandeb strait connecting the gulf of Aden to the Red sea falls under the jurisdiction of this article however the Houthi rebels attacks are in clear violation to this.

It may be contested that the UNCLOS is not the appropriate framework to deal with the Houthi rebels as they are not bound to the convention under section 305 which talks about the parties that are eligible to become signatories to the convention, however this convention still remains relevant due to laws regarding right to navigation and passage.

Houthi leaders state that their attacks on the Red Sea shall continue till the war in Gaza goes on, they therefore hold no regards to any provisions of the UNCLOS or any other resolutions passed by the United Nations. This has forced countries vested in the region to conduct their own operations to ensure the protection and safe passage of commercial vessels. The best way to go forth and resolve the Red Sea crisis would be to first of all call for a permanent ceasefire at Gaza, since the Israel-Palestine war is directly related to the attacks in the Gulf of Aden. Only after peaceful resolutions at Gaza will there be hopes to de-escalate matters in the Red Sea allowing for safe passage and resumption of normal commercial activities in the region.

[News at a Glance](#)

The International Tribunal for the Law of the Sea (the "ITLOS") delivered its advisory opinion on the obligations of State Parties to the UNCLOS concerning climate change. The opinion addressed two interconnected questions: (a) the specific obligations of UNCLOS Parties to prevent, reduce and control pollution of the marine environment caused by greenhouse gas ("GHG") emissions; and (b) the specific obligations of UNCLOS Parties to protect and preserve the marine environment in relation to climate change impacts, including ocean warming, sea level rise, and ocean acidification. For more information, see [here](#)

The European Parliament's Türkiye rapporteur, Nacho Sanchez Amor, expressed concern on Monday that persistent human rights violations and regression on democratic standards in Türkiye are receiving diminished criticism from the European Union (EU) due to Ankara's perceived shift away from its candidacy for EU membership. For more information, see [here](#)



From Europe to Everywhere: CS3D Will affect South Asian Supply Chains

- Vedangi Deshmukh and Urvi Lahoti (II B.B.A LL. B)

As a part of the EU's green deal that aims to achieve climate neutrality by 2050, the Corporate Sustainability Due Diligence Directive (CS3D) attempts to incorporate harmonized corporate due diligence mechanisms as per the "Protect, Respect and Remedy" principles put forth by John Ruggie in 2011. Laudably, France, Germany, and Norway preceded CS3D by implementing their own binding domestic laws, without waiting for EU-wide legislation. Passed in 2024 by the European Parliament, the much-awaited draft of the directive applies to companies centred in the EU as well as to foreign companies that trade within EU borders (generating sufficient turnover as per the directive). CS3D stands as a testament to the evolution of Human Rights Due Diligence from soft law to hard law by mandating companies (and their subsidiaries) to disclose all necessary information and report on all sustainability issues linked throughout their "value chains". The directive will apply to

companies in 3 waves: those with 5,000+ employees and €1.5B turnover in 2027, 3,000+ employees and €900M turnover in 2028, and 1,000+ employees and €450M turnover in 2029.

Legally binding from 26 July 2027, member states have two years to transpose necessary regulations and provisions in national law. The regulation brings forward active, rather than reactive regulatory steps wherein adhering companies will be legally obligated to identify, avoid, prevent, and report on negative human rights and environmental impacts in their operations, subsidiaries, and value chain. Nowhere is this impact more significant than in South Asia, a region that serves as a manufacturing powerhouse for industries like textiles, apparel, and technology, supplying European brands at highly competitive costs. Countries such as India, Bangladesh, Pakistan, and Sri Lanka form the backbone of fast fashion, leather goods, and textiles, where weak regulatory enforcement has enabled wage suppression, excessive working hours, unsafe conditions, and even forced labour. Bangladesh's Rana Plaza disaster in 2013 killed over 1,100 garment workers, and

Upcoming Activities

Call for Papers: International Conference on 'Migrants and Displaced Persons: Protection of Human Rights and Challenges by Christ Academy Institute of Law

CAIL is organizing an International Conference (Online) on Migrants and Displaced Persons: Protection of Human Rights and Challenges on 8 and 9 May 2025. Abstracts are invited from academicians, practitioners, researchers, scholars and students on issues related to specified themes. Authors of selected abstracts may make the payment once selected and will get an opportunity to present their papers at the International Conference. The last date for the submission of the abstract for the same is 2 April 2025. For more information, view here.



remains a grim reminder of the lack of corporate accountability in outsourced supply chains. By and large, European brands have distanced themselves from these violations, outsourcing both production and responsibility to local manufacturers and subcontractors.

However, the looming deadline for implementing CS3D in 2027 will compel businesses operating in the European Union to discover, mitigate, and report human rights and environmental hazards in their extensive supply chains. Thus, companies sourcing goods from South Asia will no longer be able to turn a blind eye to exploitative practices in their supply chains. Rather, they will be legally and financially penalized if they fail to adhere to due diligence requirements.

Immanuel Wallerstein's World-Systems Theory lays a strong foundation for understanding how CS3D disrupts the traditional relationship between developed and developing nations. According to this theory, the world economy is segmented into the core, semi-periphery, and periphery. The European Union (core) has historically depended on cheap labour from South Asian nations

(periphery) to sustain its industries, especially in textiles and garment manufacturing. Bangladesh and India, for instance, serve as peripheral economies as they provide cheap labour under weak regulatory environments, allowing multinational brands to maximize profits while avoiding direct responsibility for workers' conditions. CS3D challenges this structure by forcing core nations to enforce corporate responsibility in their supply chains. However, a possible unintended consequence could be the relocation of production to other low-cost regions (e.g. Vietnam or Ethiopia), thus continuing the cycle of exploitation elsewhere instead of improving conditions within South Asia. Despite all the measures that the directive calls for companies to comply with, it only applies to a fraction of companies as it compromises its application to companies with 1,000+ employees with a turnover of EUR 450M. This implies that the EU legislation will exclude 99% of companies consisting of Small and Medium Enterprises operating within the EU.

While CS3D poses enormous challenges, it also presents an opportunity for change. Higher wages, improved working

Upcoming Activities

Call for Papers: International Virtual Conference on Air and Space Law by Christ University

The 1st School of Law International Virtual Conference on Air and Space Law 2025, organized by the Air and Space Law Committee of the School of Law, CHRIST (Deemed to be University), Bengaluru, aims to serve as a premier platform for legal scholars, practitioners, students, and industry experts to discuss and deliberate on critical issues in aviation and outer space law. The last day for the submission of chapter proposals is 7 March 2025. For more information, view [here](#).



conditions, and environmental stewardship can help South Asian supply chains shift from cost-driven to value-driven manufacturing. This transformation will promote formalization, strengthen worker protections, and attract socially conscious investors. However, CS3D's success in South Asia will require collaboration among governments, businesses, and civil society. With Europe enforcing more stringent sustainability standards, South Asia must adapt and embrace responsible business practices ensuring that the drive towards accountability-based business practices really goes "from Europe to everywhere."

Upcoming Activities

Call for Paper: International Seminar on 'Impact of Culture on Legal Languages & Discourse' by Amity Law School, Lucknow

Authors are invited to submit their original & unpublished research papers and join us at Amity Law School, Amity University Lucknow Campus on 20th & 21st March 2025. Abstract of the paper should be submitted through a form on or before 1st March 2025. The full paper has to be submitted via the form link on or before 10 March 2025. For more information, view [here](#).

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