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Dr. Rao Vepachedu<sup>1</sup>, JD, PhD, LLM

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## THE GENERAL DATA PROTECTION REGULATION



Significant technological advancement and progress in the 21st century made the EU's last century's set of rules that defined the personal data protection obsolete. Today's data collection, process, and access methods no longer resemble the methods used two decades ago, complicated by the 28 EU Member States' transposition of rules differently diverging in enforcement, resulting in a costly administrative burden for businesses. The scale of data sharing and collecting has increased dramatically. Technology allows both private companies and public authorities to make use of personal data on an unprecedented scale to pursue their activities. Individuals increasingly make personal information available publicly and globally, without being fully aware of the risks involved<sup>2</sup>.

While the debate continues over reconciliation of security and privacy around the world, the General Data Protection Regulation (GDPR) published on 4 May 2016 will be implemented after a 2-year transition period on 25 May 2018 for any organization that operates in the EU and processes the personal data of EU subjects<sup>3</sup>.

The Data Protection Directive applies to countries of the European Economic Area (EEA) including all EU countries and non-EU countries Iceland, Liechtenstein, and Norway. The Directive states that personal data can only be transferred to countries outside the EU and the

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EEA when an adequate level of protection is guaranteed. The Data Protection Directive requires that data transfers should not be made to non-EU /non-EEA countries that do not ensure adequate levels of protection.

The new GDPR introduces a single and technologically neutral and future-proof set of rules across the EU to enhance the internal market dimension of data protection, by reducing fragmentation, strengthening consistency and simplifying the regulatory environment to eliminate unnecessary costs and reduce administrative burden; to increase the effectiveness of the fundamental right to data protection and put individuals in control of their data; and to enhance the coherence of the EU data protection framework<sup>4</sup>, including in the field of police cooperation and judicial cooperation in criminal matters, taking full account of the entry into force of the Lisbon Treaty<sup>5</sup>.

The GDPR gives government powers to impose severe fines on corporations which misuse data, contains a clause which could mean citizens are entitled to have any machine-driven decision process explained to them, codifies the [right to be forgotten](#)<sup>6</sup>, and regulates the transfer of EU citizens' private data overseas. EU citizens will also have a right to data portability, i.e. the right to obtain a copy of their data from one Internet company and to transmit it to another one without hindrance from the first company<sup>7</sup>.

The GDPR provides the data subject the right not to be subject to a decision based solely on automated processing which produces legal effects concerning the data subject or similarly significantly affects the data subject, and the right to a meaningful explanation of the logic involved<sup>8</sup>. The new rules by eliminating the need to consult with local lawyers to ensure local compliance resulting in legal certainty and direct cost savings of an estimated €2.3 billion per year<sup>9</sup>. Read more on international transfers of personal data: [Binding Corporate rules](#); [Commission decisions on the adequacy of the protection of personal data in third countries](#); [Model Contracts for the transfer of personal data from the EU/EEA to third countries](#); [Transfer of Air Passenger Name Record \(PNR\) Data and Terrorist Finance Tracking Programme \(TFTP\)](#); [Frequently asked questions](#).

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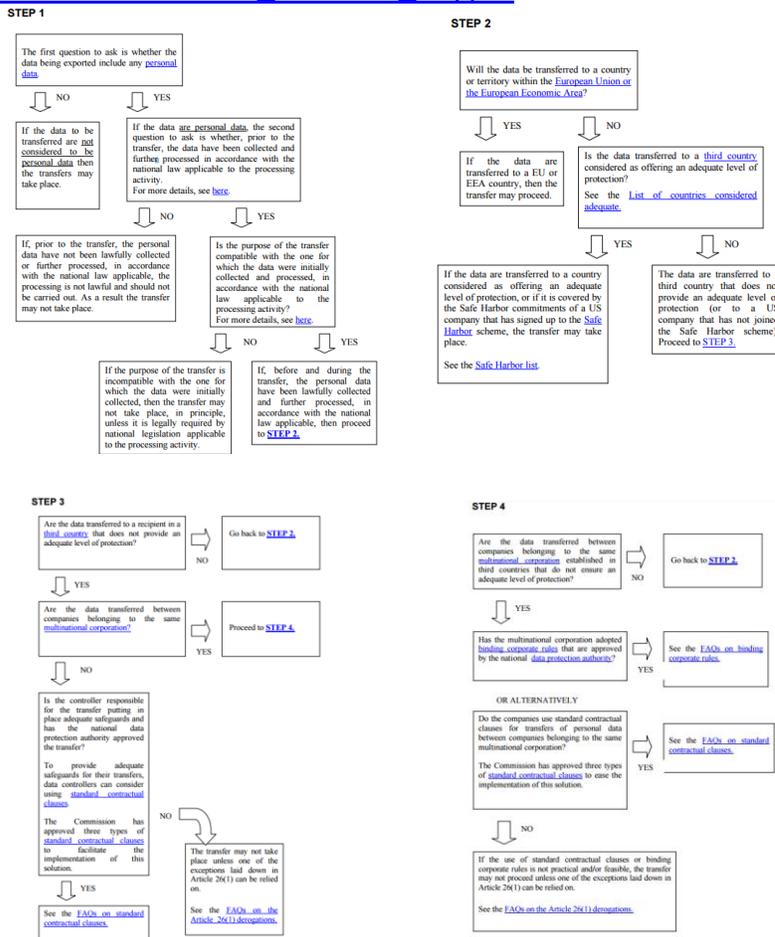
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Follow the following process before any transfer of personal data takes place<sup>10</sup>: Step-by-step decision-making process at [http://ec.europa.eu/justice/data-protection/international-transfers/files/international\\_transfers\\_faq.pdf](http://ec.europa.eu/justice/data-protection/international-transfers/files/international_transfers_faq.pdf)





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#### **INVENTORSHIP TO AI**

Some countries, for example, Japan and the Republic of Korea are considering extending rights to machines. In New Zealand, the law suggests that original works, even if created by software, robots or AI systems, are protectable under New Zealand's 1994 Copyright Act. However, such works would belong not to the robot or intelligent system, but to the persons who created or utilized the robot or intelligent system that created the work, similar to the ownership of the inventions made by employees, who obligated to assign the rights to IP to the employer. In other jurisdictions, like the United States, it seems unlikely that a work created by a robot would qualify for copyright protection. Already, contradictory rules relating to the protection of robot-generated IP are emerging among nations that are playing a significant role in robotics development<sup>11</sup>.

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#### **THE INVENTOR ASSISTANCE PROGRAM**

The Inventor Assistance Program (IAP) was formally launched globally on October 17, 2016, following successful pilot projects in Colombia, Morocco and the Philippines. The IAP is a WIPO initiative in cooperation with the World Economic Forum and an array of other sponsors, including the Inter-American Association of Intellectual Property (ASIPI), the International Federation of Inventors' Associations (IFIA), Novartis, Qualcomm, Pfizer, the European Patent Institute (EPI) and the United States Federal Circuit Bar Association (FCBA).

The aim of the IAP is to put under-resourced inventors in contact with pro bono patent attorneys. Each participating country sets up a national screening board. These are usually embedded within national Technology and Innovation Support Centers (TISCs). In consultation with the national IP office, the board establishes eligibility criteria for inventors' participation in the program and identifies suitable candidates. Once eligible inventors have been selected, the national IAP coordinator informs the beneficiaries and WIPO, whose role it is to identify an appropriate IAP-registered pro bono patent attorney. The chosen attorney then meets with the inventor to begin working on the case. WIPO is working to expand its roster of pro bono patent attorneys and is actively promoting the program among its member states and the public<sup>12</sup>.

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#### **MOBILE IOT**

The US Department of Transportation's (USDOT) Intelligent Transportation Systems (ITS) Joint Program Office (JPO) is developing a plan to guide our ITS standards-related efforts and activities in support of the USDOT ITS

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connected vehicle research program and to support broad deployment of connected vehicle (CV) technologies. As part of this effort, ITS-JPO is developing a Connected Vehicle Reference Implementation Architecture (CVRIA), a reference architecture that will support ongoing and future implementation of CV technologies. The CVRIA will be used to identify likely interfaces in a large-scale CV implementation which will be candidates for standardization. USDOT seeks feedback from stakeholders on this candidate approach<sup>13</sup>. USDOT provided the ITS Standards deployment community with the Center to Center (C2C) Reference Implementation (RI) Tool to support efficient deployment of systems using C2C communications by providing a means to verify conformance to C2C standards. The RI conducts its conformance testing of the System under Test (SUT) C2C interface by two means. First it examines the interface description document (WSDL) for conformance to the standards. It then tests the interface by communicating with the SUT. This communication consists of dialogs between the RI and the SUT. The test dialogs are determined by the selection of user needs and their derived requirements for the particular test configuration. Because the C2C RI controls the sequence and contents of the protocol messages sent to the SUT, it can test a wide range of both expected and unexpected (invalid) behaviors. An upgrade is underway for adding conformance to Section 1201 reporting, and device emulation for all devices supported by the TMDD v3.03c standard<sup>14</sup>.

The Connected Vehicle Reference Implementation Architecture is based on a set of Applications that have been defined by various connected vehicle programs. The source for the application descriptions ranges from Concepts of Operations (ConOps), Requirements Specifications, or existing Standards and Architectures. There are four types of Connected Vehicle Applications: Environmental, Mobility, Safety, and Support. Each type is comprised of groups of applications<sup>15</sup>.

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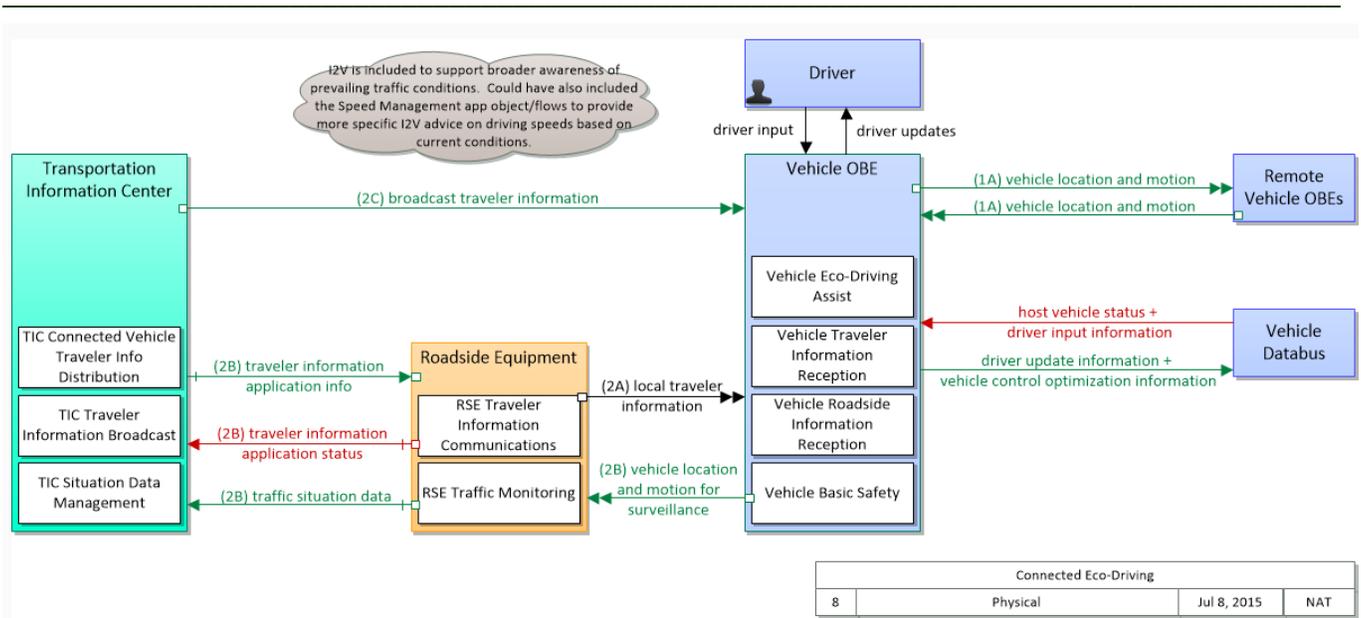
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"A brighter future depends on energy policies that stimulate our economy, ensure our security, and protect our health. Under the Trump Administration's energy policies, that future can become a reality." The US shares with Mexico about 2,000 miles long border, parts of which has a border wall of different types of fence spanning about 670 miles. The Trump Wall of 1330 miles long Solar Canopy with Wind Turbines would generate employment and revenues, and pay for itself in due time. It is estimated that by 2030, New York's energy storage industry could realize annual global revenues between \$5.6 billion and \$8.7 billion, with total job growth between 17,300 and 26,800 employees.

The sun provides more than enough energy in just one hour to supply our planet's energy needs for an entire year. The Trump Wall can capture this free, abundant energy source through tiles, panels, canopies etc., turning sunlight into electricity for immediate use or storage in a Powerwall battery. Tesla can build this wall of energy.

I found a charging station in the Evanston Main Library parking lot which has a solar-canopy— meaning there will not be any carbon footprint or nuclear waste involved when you drive an all-electric-vehicle, such as Smart-4-2-ED. And it is FREE! There are several charging stations in Evanston, e.g., Lot 4 (Central St. and Stewart St.), Lot 3 (at

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the Main Library) and Lot 32 (Hinman Ave., south of Main St.). There are two charging stations, one is controlled by Chargepoint<sup>16</sup>: Electric Vehicle Charging Network and the other is by Enterprise. 70 KW Solar Canopies in the Area: Evanston, Chicago at IIT and UnCommon Ground, and Oak Park 14 charging stations – available to IGO cars and general public Battery storage at Evanston Public Library. Additional panels at IIT and Easter Seals. As of late 2013, there were 24 electric vehicles registered in Evanston. For more information, please call 311 (847-448-4311 outside Evanston).

Northwestern University's Objective is to provide the city of Evanston with a comprehensive plan on how to acquire, install and run electrical vehicle charging stations in enclosed parking garages owned by the city. Solar and Wind Energy Rebate Program - Currently closed. The Department of Commerce provides incentives for electric vehicle (EV) infrastructure and industry development through an EV Infrastructure Rebate Program. However, this program is currently closed. As the state and federal programs are closed, maybe building management companies can fund such projects for the buildings they manage. They can and should install solar panels on the top of each building they manage and allow clients to charge EVs free<sup>17</sup>!

The Capital Development Board (CDB), in conjunction with the Department of Commerce & Economic Opportunity (DCEO), has completed the cycle for the Illinois Energy Conservation Code (IECC) to update from the 2012 International Energy Conservation Code (IECC) to the 2015 IECC. In accordance with The Energy Efficient Building Act, CDB is required to review and adopt the most current version of the IECC within one year after its publication date. The Code will then become effective within 6 months following its adoption by CDB. The effective date for the 2015 IECC, with Illinois Amendments, to become law in the State of Illinois was January 1, 2016.

New York State has become a hub for energy storage technologies, creating new, skilled technology jobs and meeting the needs of utilities, building owners, manufacturers and other large power users. Under Governor Cuomo's Reforming the Energy Vision to create an energy system that is cleaner, more affordable, and more resilient, strong growth continues for storage technology and investments. It is estimated that by 2030, New York's energy storage industry could realize annual global revenues between \$5.6 billion and \$8.7 billion, with total job growth between 17,300 and 26,800 employees.

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Solar canopies can be built at ground level, in elevated locations or on rooftops and can create covered walkways as well as carports. These canopies use space efficiently and effectively, without taking away other needed real estate.



A new 3.2 MW solar parking canopy covering 800 parking spaces across five acres at the Bristol Community College's Fall River Campus is the largest of its kind in New England. The solar array will supply about half of the entire electricity needs of the entire campus. The solar canopy was built in partnership with PowerOptions, a nonprofit energy-buying consortium, and its solar partner SunEdison<sup>18</sup>, with whom Bristol Community College has signed a 20-year power purchase agreement to buy the electricity from the solar array. It's estimated that the new solar parking canopy will generate more than 34 million kWh of electricity annually, and provide a savings of more than \$1.75 million to the campus over the next 20 years<sup>19</sup>.

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The US shares with Mexico about 2,000 miles long border, parts of which has a border wall of different types of fence spanning about 670 miles. The Trump Wall of 1330 miles long Solar Canopy with Wind Turbines would generate employment and revenues, and pay for itself in due time.

The approximate cost, including parts and installation, for systems above 2kW is \$9 per Watt. Approximately 500 sq. ft. and 5 kW system would cost around \$25,000-\$35,000<sup>20</sup>. About 1,300 sq. miles (6,864,000 sq. ft.) would be estimated to be approximately 68,640 kWh system, if the Trump Wall is built an inch wide and 1300 miles or 6,864,000 ft. long. In the USA, the average house consumes electricity at the rate of 1 kW per hour (kWh) and 730 kWh per month.

State, City	Summer Avg.	Winter Avg.	Year Avg. <sup>21</sup>
AL, Montgomery	4.69	3.37	4.23
AK, Bethel	6.29	2.37	3.81
AK, Fairbanks	5.87	2.12	3.99
AK, Mantanuska	5.24	1.74	3.55
AZ, Page	7.3	5.65	6.36
AZ, Phoenix	7.13	5.78	6.58
AZ, Tucson	7.42	6.01	6.57
AR, Little Rock	5.29	3.88	4.69
CA, Davis	6.09	3.31	5.1
CA, Fresno	6.19	3.42	5.38
CA, Inyokem	8.7	6.97	7.66
CA, La Jolla	5.24	4.29	4.77
CA, Los Angeles	6.14	5.03	5.62
CA, Riverside	6.35	5.35	5.87
CA, Santa Maria	6.52	5.42	5.94
CA, Soda Springs	6.47	4.4	5.6
FL, Apalachicola	5.98	4.92	5.49
FL, Belle Island	5.31	4.58	4.99
FL, Gainesville	5.81	4.71	5.27
FL, Miami	6.26	5.05	5.62
FL, Tampa	6.16	5.26	5.67
NM, Albuquerque	7.16	6.21	6.77
TX, Brownsville	5.49	4.42	4.92
TX, El Paso	7.42	5.87	6.72
TX, Fort Worth	6	4.8	5.83
TX, Midland	6.33	5.23	5.83
TX, San Antonio	5.88	4.65	5.3

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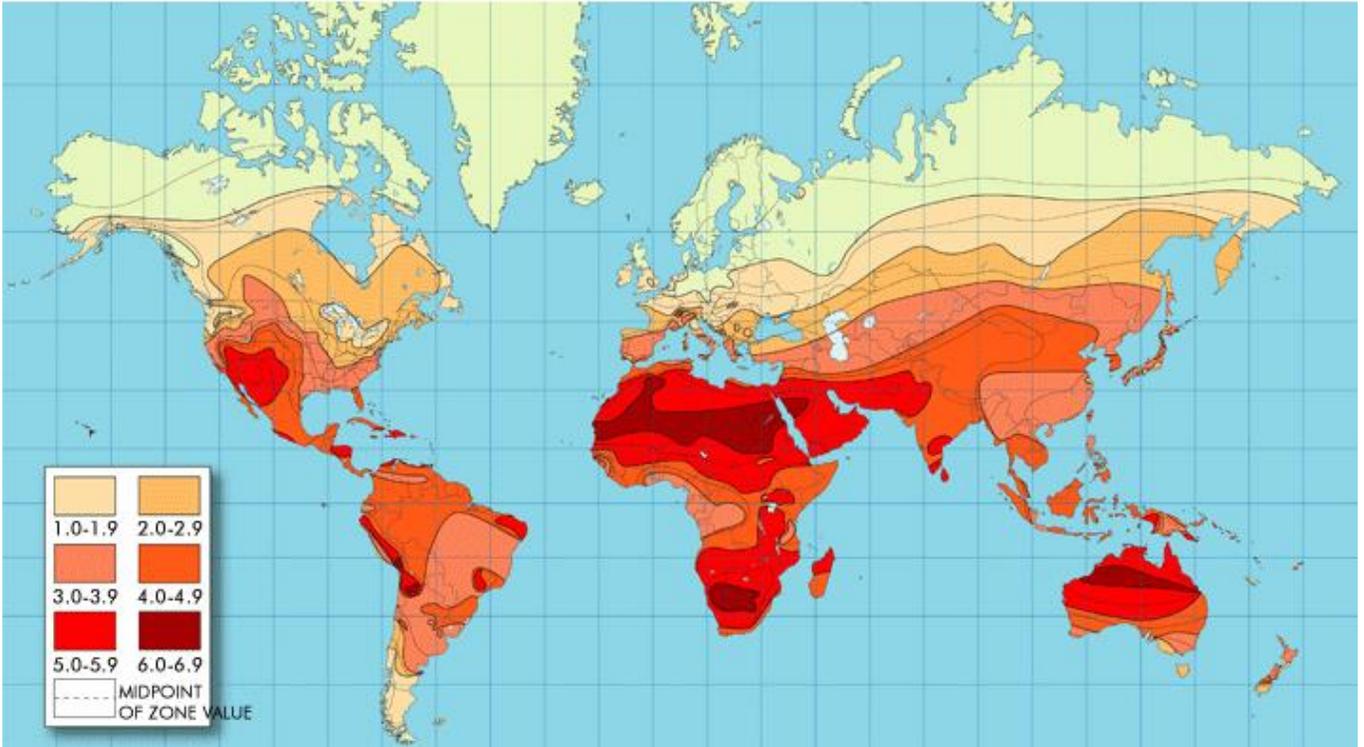
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### World Insolation Map

This map shows the amount of solar energy in hours, received each day on an optimally tilted surface during the worst month of the year. (Based on accumulated worldwide solar insolation data.)



As of December 1, 2016, there were 99 operating nuclear reactors at 61 nuclear power plants in the United States. The *R E Ginna* Nuclear Power Plant in New York is the smallest nuclear plant in the United States, and it has one reactor with an electricity generating capacity<sup>1</sup> at 508 megawatts (MW). The Palo Verde nuclear power plant in Arizona has three reactors and has the largest combined electricity generating capacity<sup>1</sup> of about 3,937 MW. The amount of electricity that a power plant generates depends on the amount of time it operates at a specific capacity. For example, if the *R E Ginna* reactor operates at 508 MW capacity for 24 hours, it will generate

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12,192 megawatt hours (MWh) = 12.192 kWh. Most power plants do not operate a full capacity every hour of every day of the year<sup>22</sup>. Therefore, 99 operating nuclear reactors working round the clock produce approximately  $12 \times 99 = 1188$  kWh, while the suggested Solar Trump Wall system would produce about 68,640 kWh, in addition to Wind Turbines. The National Renewable Energy Laboratory (NREL) estimates that the United States has 4,200 gigawatts (GW) of developable offshore wind potential, compared to its estimate of 11,000 GW of onshore wind potential. Wind resources are classified on a scale of zero to seven based on their power density, and more than 66% of offshore wind in the United States is in wind power class six or seven.

In the United States, developers have proposed building nearly 4.9 GW of offshore wind capacity off the coasts of nine different states, but some challenges remain even for projects that have advanced through key regulatory and market milestones. For example, Cape Wind, a 486-MW project proposed in 2001, faced significant challenges and litigation that halted its progress. In 2014, National Grid and Ever source Energy terminated the power purchase agreements with Cape Wind because of missed project development deadlines. This past March, Cape Wind canceled its lease in New Bedford, Massachusetts, for its planned project-staging area. Other projects such as the Virginia Offshore Wind Technology Advancement Project and Fisherman's Energy Wind of New Jersey have faced development hurdles despite making significant progress in project development. There are currently no operating offshore wind projects in the United States, offshore wind turbine technology has grown steadily in Europe<sup>23</sup>.

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### Offshore wind farms



### A GIFT FROM TRUMP TO INDIA

The American administration is drafting an executive order aimed at overhauling the work-visa programs used to hire tens of thousands of employees each year, transforming the way American firms such as Apple Inc. and Indian firms such as Wipro Ltd recruit from India and other countries to offset a dearth of homegrown US engineering talent (See THE BLISSFUL IGNORANCE OF HUMAN RESOURCES & INTELLECTUAL PROPERTY)

H1B visa reform bill introduced in the US to double the minimum pay to \$130,000. The law sets aside 20% of the annually allocated H1B visas for small and start-up employers to ensure small businesses can compete for high-skilled jobs.

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This is more than double of the current H1B minimum wage of \$60,000 which was established in 1989 and since then has remained unchanged. Businesses would have to try to hire American first and if they opt for foreign workers, priority would be given to the most highly paid—making hiring more expensive.

The US visa reform bill seeking to double the minimum wage payable to H1B visa holders. By cutting taxes on corporations and doubling the minimum wage, Trump administration seeks to create jobs in the US.

Does this simple math of exchanging two aliens' for one American increase the productivity and job growth in the US?

Do we have enough STEM graduates (80,000 per year) to fill the need of American employers that have been hiring 160,000 aliens annually through the H1B visa program and have been lobbying the American government to increase the H1B quota?

Indians boast that India's technology companies have helped US companies grow and create more jobs in their core businesses. At the heart of almost every hi-tech product whether a Cisco Systems router, General Electric engine or scanner, or Skype, is a code written in India. By taking on uncompetitive IT operations and dying technology products, and "re-badging" employees, India's tech companies have contributed directly to saving American jobs. Indian tech companies have helped create over 400,000 jobs in the US, paid over \$20 billion in taxes in the past five years, and made a difference to 120,000 young Americans through various STEM (science, technology, engineering, and mathematics) education initiatives. Indian technology companies provide mission-critical support to well over 75% of Fortune 500 US companies including banks, retailers, and car manufacturers. both Indian and American companies have failed to effectively make this argument forcefully and persuasively to the American people and lawmakers using robust data. It's time we did for there is much at stake here for everyone.

[India freaks out over DONALD J. TRUMP's POSITION ON VISAS and begins prayers at the "Visa Temple!"](#) where the American Visa is the God: "I will end forever the use of the H-1B as a cheap labor program, and institute an absolute requirement to hire American workers first for every visa and immigration program. No exceptions."

[Visa ban could make doctor shortage in rural America even worse](#), as America's health care system relies heavily on foreign doctors, especially in underserved areas already struggling with a serious doctor shortage.

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Meanwhile, American companies are pitching in to increase STEM graduate in America, for example, [Intel is support in the "Growing the Legacy" scholarship program at AISES to support 40 Native American university students every year for four years by providing them with financial support](#), Intel mentors, paid internships, and an Intel job upon successful graduation. Students who are awarded will receive scholarships ranging from \$5,000 to \$10,000 per academic year. The inaugural scholarship application is open through May 1, 2017.

**Brain drain from India:** Brain drain from India to the US - migration of Indian scientists and engineers to the US - has increased by 85% in 10 years to 1 million, according a report published by the National Science Foundation, entitled, "Immigrants' Growing Presence in the US Science and Engineering Workforce: Education and Employment Characteristics in 2013." In 2013, the number of Asian scientists and engineers (2 m) is double that of the Indian immigrants (1 m) out of a total number 5.2 m (18%) out of all the scientists and engineers residing in the United States were immigrants. In other words, 72% of the scientists and engineers residing in the United States were Americans. It would be preposterous to say 72% of the scientists and engineers residing in the United States need the remaining 18% to be innovative and lead the world.

[Instead of freaking out about American Visas](#), India should use its talent to build India. Unfortunately, the brain drain for India is a problem with or without the USA. India has no infrastructure to exploit the expertise of its graduates.

[The first ever global report commissioned by the Queen Elizabeth Prize for Engineering](#) revealed that while just 20% of 16 to 17 year-olds from the UK and 30% from the USA are interested in an engineering career, in India the rate is as high as 80% - the highest in the world. India has closed the gender gap in engineering to an all-time low of 14% in 2015. In India, the software services industry alone recruits about 300,000 people every year. Meanwhile, over a third of the country's engineering students are women. This boom is partly due to businesses wanting to make use of the comparatively cheap production and talent costs.

Unfortunately, there is [another side of this coin, which is not so peachy or rosy](#). According to [WSJ, "India Graduates Millions, but Too Few Are Fit to Hire"](#). So few of the high school and college graduates who come through the door can communicate effectively in English, and so many lack a grasp of educational basics such as reading comprehension, that the company can hire just three out of every 100 applicants. India projects an image

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of a nation churning out hundreds of thousands of students every year who are well educated, a looming threat to the better-paid middle-class workers of the West."

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India's economy is going great guns. Among the world's major nations, its growth is second only to China's. But, it is high time that India uses [the jobless Indian talent wasted away](#) within India and in faraway lands making multinational companies richer. For example, Kunal Bahl had a business degree from the University of Pennsylvania, a job with Microsoft in Seattle and a dream of moving to Silicon Valley to start his own company, but the US rejected his H1B visa application in 2007. he returned to India and launched Snapdeal with his friend Rohit Bansal in 2010. [Snapdeal is now one of India's top online retailers, valued at about \\$7 billion.](#)

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### **CORONARY STENTS IN INDIA**

Medical devices sector in India is relatively small as compared to the rest of the Indian manufacturing industry. Nevertheless, India is one of the top twenty markets for medical devices in the world and is the 4th largest market in the region after Japan, China and South Korea. At present, the high end medical equipment segment of the Indian medical devices industry accounts for over 65% of the total market, predominantly import driven and dominated by multinational companies (MNCs). The domestic medical devices and supplies industry is fragmented into small and medium enterprise categories, primarily manufacturing products such as the low priced, low tech, and high volume market segment of the medical supplies and disposables with an intense competition. It is estimated that there are about 800 manufacturers in India<sup>24</sup>. The multinationals have been arguing for a dynamic pricing because the next generation stents are superior, while the domestic manufacturers have been insisting on price control arguing that there is no evidence for the alleged superiority of the so-called next generation stents.

[The National Pharmaceutical Pricing Authority \(NPPA\)](#), an independent regulator and watchdog in the pharmaceutical sector, fixes and monitors prices of drugs listed in the National List of Essential Medicines (NLEM). In November 2016, the NPPA revised prices of about 40 drugs including some eye drops, paracetamol oral liquids, HIV drugs, cancer drug, non-steroidal fertility medicines, asthma drugs, and tuberculosis drugs. This revision brings the total number of drugs under the DPCO to about 540 (about 17% of drugs in the market). In addition, the NPPA fixed and revised 31 scheduled formulations in October 2016<sup>25</sup>.

In December 2016, the Indian government amended the Drug Prices Control Order, 2013 (DPCO) by the DPCO Third Amendment Order, 2016, adding coronary stents under Schedule-I of DPCO covering Bare Metal Stents (BMS) and Drug Eluting Stents (DES) which include metallic DES and Bioresorbable

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Vascular Scaffold (BVS)/ Biodegradable stents<sup>26</sup>, despite the opposition from the Indian medical devices industry<sup>27</sup>. In 2015, the health ministry added drug-eluting Stents (DES) and bare metal stents (BMS) to the NLEM 2015, paving the way for the NPPA to impose price controls. The number of stent procedures in India tripled over the last five years to about 500000 stents implanted in 2015, according to the [National Interventional Council](#) (NIC) Registry<sup>28</sup>.

### REFERENCES AND NOTES<sup>29</sup>

<sup>1</sup> Dr. Rao Vepachedu is a registered patent attorney with extensive experience in the management of intellectual property and extensive experience in research and teaching. He currently works for Cardinal Intellectual Property (CIP), Cardinal Risk Management (CRM), and Cardinal Law Group (CLG). In addition, he is the president of Vepachedu Educational Foundation Inc. ([www.vepachedu.org](http://www.vepachedu.org)), a 501(c) (3) educational foundation. For more information visit:

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<http://www.avvo.com/attorneys/60201-il-sreenivasarao-vepachedu-764535.html>, and

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Proposed in 2007, the Lisbon Treaty was ratified by most member states in 2008, but a referendum in Ireland—the only country that put the Lisbon agreement to a public vote—rejected it on June 12, 2008, thus jeopardizing the entire treaty. More than a year later, on October 2, 2009, Ireland held a second referendum, which passed. Poland's government also had expressed reservations, but it ratified the treaty a week after the Irish vote, after securing opt-outs from EU policy on some social issues, such as abortion. The Czech Republic was the last remaining holdout: though its Parliament had ratified the treaty, the country's president, Václav Klaus, withheld his signature. Finally, after the Czech courts ruled that the treaty did

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not violate the country's constitution, Klaus signed it on November 3, 2009. The Lisbon Treaty, thus ratified by all 27 member states, entered into force on December 1, 2009. <https://www.britannica.com/event/Lisbon-Treaty>

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*"Where the mind is without fear and the head is held high, Where knowledge is free Where the world has not been broken up into fragments, By narrow domestic walls." Rabindranath Tagore (1861-1941), Gitanjali, 1912.*

### One World One Family

AUM! SWASTI!

Om! Asatoma Sadgamaya, Tamasoma Jyotirgamaya, Mrityorma Amritamgamaya, Om Shantih, Shantih, Shantih! (Aum! Lead the world from wrong path to the right path, from ignorance to knowledge, from mortality to immortality, and peace!)

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