



# ITAG BUSINESS SOLUTIONS LTD.

(A subsidiary of TCI Finance Ltd.)  
 AN ISO 9001:2000 & 27001:2005 ORGANISATION  
 www.itags.com

# NEWSLETTER

## Director's Message



IP has different colours and flavours expressed and manifested in different form of ideas and innovation. When it comes from the brain of an artist it may resemble as a dramatic play, a song, music or a painting. When it comes from the heart of a poet it may be expression of a poem or a song or a story or any other form of the literary work. Thus any of such performance or work of art, literature, music or dramas or a cinematographic film or any sound recording may take the character of a copyright, in one of the domain of intellectual property rights. The reward to such artists can be in the form of royalty or license fee or as the full value of consideration

for assignment of such copyright. Generally the copyright has validity for the life of the author and sixty years after his death. The copyright can be bequeathed by in favour of any person or association of persons. The copyright protection is available at global level without a separate registration for individual countries under the Berne convention.

The other form of the IP rights, be it patent or trademark or design need to be registered separately in each individual country though the advantage of certain conventions and treaties are available under Patent Cooperation Treaty (PCT), the Madrid Protocol and the Hague Convention for Patent, Trademark and Design respectively. The invention of any technology by a scientist is regarded as a patent provided it satisfies certain basic criteria of novelty, inventive steps and industrial application. Though the copyrights, patent and design emanates from the ideas and innovation, the Trademark owes its origin and value to the business practice which essentially comes from the quality, standard, ethics, integrity and honesty of the business enterprise over a period of time by winning the confidence of consumers and of people in the society.

Now-a-days the brand value optimization is built by publicity and sometimes even at the cost of quality but in the long run it is the goodwill on the basis of quality which adds to the brand value and brings revenue to the business by occupying larger space in the market share. Today, Google brand value has exceeded US\$100 billion with the highest ranking followed by Microsoft with US\$77.3 billion (See box on Brand Valuation)

In today's world, we find that the intrinsic value of a product comprises mainly of its technology, design and the brand and therefore there is a need to protect the Intellectual Property Right (IPR) by converting the intellectual property into a legal right under different laws within and outside the country of origin. One can only realize the full value of the potentiality of the product if it is sold and is available in the global market and for thus there is a need for protection of IPR under different jurisdiction at global level. Information technology has brought the world closer and has reduced the cost of communication to almost negligible level. One can register his patent or trademark by way of e-filing in all those countries where this facility is available. However the linguistic barriers sometimes demand translation of the innovation or the literature in the language of the respective countries though english is considered as a medium in almost all advanced countries except Japan, China, Russia and few other countries including Brazil and Mexico.

TOP 10 GLOBAL BRANDS OF 2009	
Brand	US \$ (in billions)
Google	101.4
Microsoft	77.3
Cocacola	68.5
IBM	67.5
Mcdowells	67.3
Apple	63.9
Chine mobile	62.2
GE	59.9
Vodafone	50.2
Marlboro	50.1
Source: www.washingtonpost.com, brandz report by Millward Brown	

The biggest challenge to the innovative world is from counterfeiting and piracy for which there is a need for awareness and proper enforcement of IP rules. The World Intellectual Property Organization (WIPO) celebrates 26th April as the "Intellectual Property Day" every year for creating IP awareness at global level. ITAG has joined the IP club and is becoming a hub of all types of IP Solutions as a single window service provider through its worldwide network

of its own branches and associates. Let us take a pledge to reward those who are at the core of the innovation and prevent the theft of ideas and invention and build a world with purity of knowledge to serve the society and optimize the global wealth in the present knowledge era.

Dr. D. R. Agarwal

**INSIDE THIS ISSUE :**

- Director's Message..... 1
- IPR News - India .....2
- IPR News - Around the World..... 2
- Glimpses of Judgments on IPRS..... 3
- Events at ITAG.....3
- Snapshot..... 4

## IPR NEWS - INDIA

### CIPLA WINS PATENT CASE AGAINST GILEAD SCIENCES ON BIRD-FLU DRUG PATENT

Cipla has won a patent battle against US-based Gilead Sciences on bird flu medicine Tamiflu (oseltamivir phosphate) in India and the Indian Patent Office has rejected patent protection for the medicine last month.

The marketing rights for Tamiflu in the country was acquired by Swiss drug multinational Roche who had sub-licensed its production and marketing rights to Hyderabad-based Hetero in India and other developing countries.

With the outbreak of birdflu in recent years, the global demand for oseltamivir had increased to a great extent. Roche had announced that they will supply the medicine to 49 countries including India under these circumstances. With this intention, Roche had built partnerships with regional drug companies including Hetero who had built huge capacities to produce oseltamivir in emergencies.

Cipla will not face any legal constraints now to manufacture and sell the medicine in India after winning the pre-grant opposition.

### GI PROTECTION SOUGHT FOR 'PUNERI PAGADI'

'Puneri Pagadi', the turban, which is considered as a symbol of pride and honour in the regions of Pune, has been applied for GI protection under "class 25" by the Pune-based Shree Puneri Pagadi Sangh.

The Sangh's representative Great Mission Group Consultancy's Ganesh Hingmire had stated that an early IPR protection of Puneri Pagadi will obviate the country's past experiences in cases like Basmati rice and turmeric, where it was fought to prove that these originated in India and the move for GI registration for Puneri Pagadi is poised with an aim to preserve the culture and a significant identity of the city of Pune.

The application claims that Mahadev Govind Ranade introduced the prevalent "Puneri Pagadi" for the first time nearly two centuries ago.

### MEDICAL COLLEGE DROPOUT IN INDIA GRANTED WITH FIVE US PATENT

A New Delhi resident named Anadish Pal, a medical college dropout has been granted patents for his five inventions by the USPTO.

The inventions are a three-dimensional mouse, motor pump alarm, robotic platform, pollution free engine, and an electrically powered personal vehicle which is smaller than the world's smallest, Tata's Nano.

The usual laptop mouse faces problems like processing satellite pictures like Google Earth while zooming in and out. The newly invented mouse will not face such obstacles and would prove beneficial to air force pilots. The Personal Mobility Vehicle is similar to a Golf Car - compact, electrically powered and pollution free. The two-seater's can attain a speed of 30 kph. The Motor Failure Alarm will signal the possible problem- mechanical or electrical (a failure in motor of a water pump) a month or two in advance. The Efficient Energy Engine can be used to generate electricity at home and in hybrid cars. It is packed with generator as well as an engine. The Robotic Platform can be used to construct military vehicles in a short time and can be used to reduce wheel base.

### US SEEK ACCESS TO INDIA'S TRADITIONAL KNOWLEDGE DATABASE

The US is in talks with the Council of Scientific and Industrial Research (CSIR), India to gain access to the country's rich database on unani, ayurveda and yoga, country's traditional health and medical practices.

American officials and CSIR would hold a meeting in May to resolve the issues in the draft agreement on accessing TKDL data by the United States Patent and Trademark Office (USPTO).

TKDL is a joint project between the apex scientific research organisation of the country CSIR and Department of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homeopathy (AYUSH) to preserve the old knowledge of India. There were some issues with the agreement document of CSIR which are being resolved, so that patent examiners can access the database in order to avoid any duplication of innovation.

## IPR NEWS-AROUND THE WORLD

### OPTI RECEIVES \$19 MILLION VERDICT IN PATENT INFRINGEMENT LAWSUIT AGAINST APPLE INC.

The United States District Court for the Eastern District of Texas ruled in OPTi's favor in the patent infringement trial between OPTi Inc. and Apple Inc, relating to OPTi's U.S. patent entitled "Predictive Snooping of Cache Memory for Master-Initiated Accesses." The jury ruled that Apple willfully infringed OPTi's patent and awarded \$19 million for Apple's infringement of OPTi's patent.

The Apple lawsuit is a part of the Company's strategy for pursuing its patent infringement claims relating to its Predictive Snooping technology. Consequently,

the outcome of the Apple case, and any subsequent appeal, will play a role in the Company's strategy for pursuing its patent infringement claims and the Company's ability to realize licensing revenue from its Predictive Snoop patents.

### NICOX BUYS NITROMED NITRIC OXIDE DONATING PATENTS

NicOx, a French biotech company has bought nitric-oxide donating patents from Nitromed (NTMD.O) for 6 million euros (\$7.8 million). NicOx uses its nitric oxide-donating technology to develop drugs against inflammatory and cardio-metabolic diseases. Naproxinod is the key anti-inflammatory compound which can treat osteoarthritis in the knee and hip

## IPR NEWS-AROUND THE WORLD (Continued...)

while keeping blood pressure in check.

NicOx's technology involves grafting a nitric oxide-donating chemical group onto an existing drug molecule, forming a new chemical entity that can be patented. The Nitromed patent acquisition excludes heart drug candidate BiDil, which was sold to JHP Pharmaceuticals last year.

### SCHNEIDER SETTLES THE LARGEST RECORDED SETTLEMENT IN AN IP CASE IN CHINA

France's Schneider Electric has agreed to pay a Chinese company \$23m to settle a patent lawsuit - the largest recorded settlement in an IP case in China. Chinese IP lawyers said the settlement was a "wake-up call" to foreign companies about the growing risk of lawsuits from China groups asserting IP rights. Traditionally, damage awards in Chinese IP lawsuits have been small, and the plaintiffs have usually been foreigners suing Chinese companies claiming infringement of IP rights.

Elliot Papageorgiou, of Rouse & Co, an IP consultancy in Shanghai, said: "A settlement of this magnitude will encourage Chinese patent owners to bring suits against foreign rivals." Last year Chinese companies were granted 175,000 utility model patents while foreign companies obtained 1,500.

### UK ON THE WAY TO FAST-TRACK GREEN PATENTS

The UK government has revealed plans to fast-track the so-called green patents in an effort to boost

environment friendly technology. The Minister of State for Higher Education and IP, David Lammy mentioned that launching an accelerated process for granting patents for green technologies would mean that patents aimed at combating climate change are granted in less than nine months. This would help developing countries to get access to both knowledge about climate change and information on low-carbon technologies.

### THOMSON REUTERS COMMEMORATES WORLD IP WEEK WITH SERIES OF STRATEGIC IP SEMINARS ACROSS THE U.S.

Thomson Reuters commemorates World IP Week, April 26 - May 1, 2009, with a series of strategic intellectual property seminars in San Francisco, Chicago and Philadelphia titled "The New Age of Intelligent IP." The seminars provide valuable insight on the impact of the economic climate on intellectual property, the rise of patenting in China and its effect on U.S. businesses, and best practice methodologies for managing IP rights throughout the Intellectual Property Lifecycle. These events will offer opportunities for IP professionals to learn valuable strategies and best practices, while networking with leaders within this space.

Thomson Reuters is the world's leading source of intelligent information for businesses and professionals. With headquarters in New York and major operations in London and Eagan, Minnesota, Thomson Reuters employs more than 50,000 people in 93 countries.

## GLIMPSES OF JUDGEMENT ON IPR'S

### NICHOLAS PIRAMAL GETS INJUNCTION IN TRADEMARK CASE

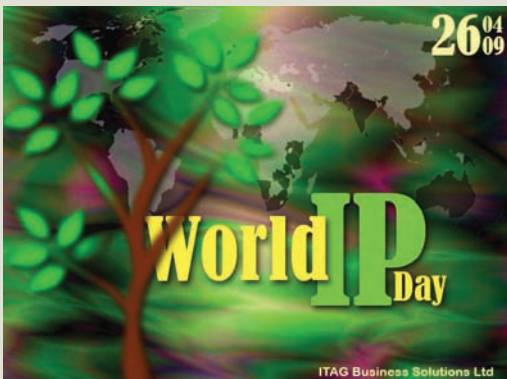
Facts: - Piramal Healthcare Ltd. is one of India's largest Pharma companies, has filed trademark infringement suit against Indore-based Endolabs pharma marketing group in Bombay High Court. The defendants have infringed the products by name Agepyrine, Zypyrine, Elgipyryn and Easipyryn respectively which are the trademark of Parimal.

Analysis: - Piramal is a registered proprietor of mark "ESGIPYRIN" and the trade mark has been registered on January 22, 1974. The defendant is

engaged in a deliberate, dishonest and fraudulent act of, counterfeiting and is passing off their products as that of the plaintiff. In case of Laxmikant V. Patel Vs. Chetanbhai Shah reported in (2002) 3 SCC page 65 in paragraph 14 it was specifically held that "it is the usual practice to grant ad-interim relief in the nature of injunction once a case of infringement of trade mark is made out".

Judgment: - The Mumbai High Court has ordered an ex parte injunction against the defendant for infringing Plaintiff's trade mark for arthritic pain reliever Esgipyryn.

## EVENT AT ITAG



ITAG celebrated World IP Day on 26th April, 2009. We have sent a poster to WIPO IP Day Gallery, it was selected and published in the WIPO Website.

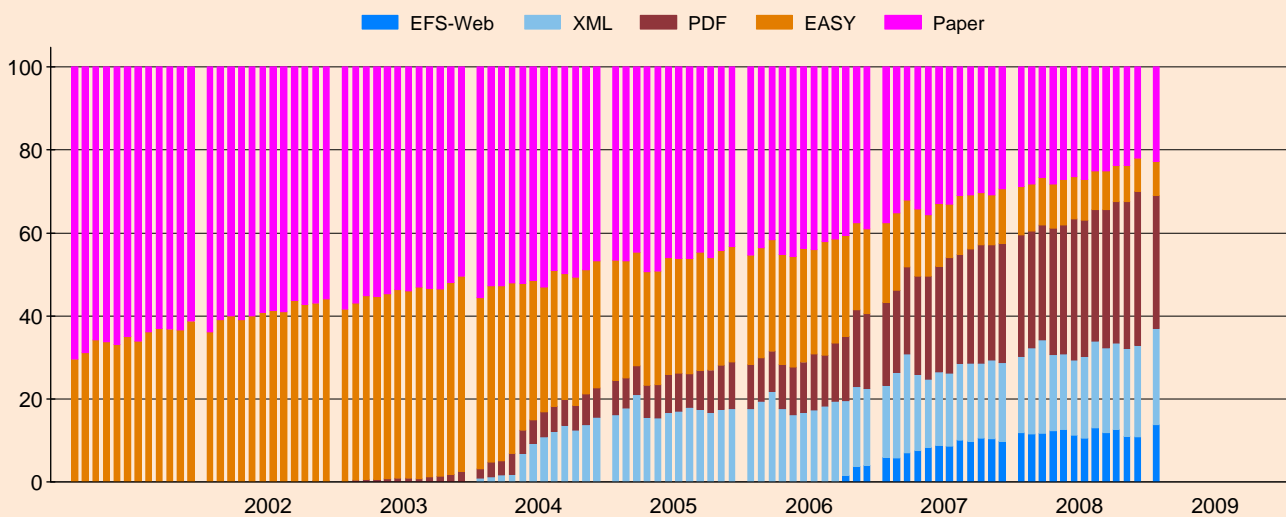
<http://www.wipo.int/ip-outreach/en/ipday/posters.html>

The 26th of April is an important day for all intellectual persons as it is celebrated as World Intellectual Property Day. It is an annual celebration linking IP with creativity thereby promoting innovation and economic growth. This year, the theme of World Intellectual Property Day is green innovation.

In 2000, WIPO's Member States decided to designate an annual World Intellectual Property Day. They chose April 26, the date on which the Convention establishing WIPO originally entered into force in 1970. IP is a business asset that is most often neglected because of ignorance or difficulty in securing Intellectual Property Rights.

# SNAPSHOT

## PCT Filings by Medium of Filing



		Number of PCT Filings by Medium of Filing						Share of PCT filings by Medium of Filing (%)				
Year	Month	Total	Pape	EASY	PDF	XML	EFS-Web	Paper	EASY	PDF	XML	EFS-Web
2004	-	122,632	62,693	42,599	6,726	10,614		51.1	34.7	5.5	8.7	
2005	-	136,752	62,917	38,057	12,133	23,645		46.0	27.8	8.9	17.3	
2006	-	149,657	63,435	37,736	19,745	27,488	1,253	42.4	25.2	13.2	18.4	0.8
2007	-	159,921	52,229	23,566	40,259	30,204	13,663	32.7	14.7	25.2	18.9	8.5
2008	-	161,982	42,104	16,153	52,110	32,699	18,916	26.0	10.0	32.2	20.2	11.7
2009	-	10,263	2,350	833	3,292	2,377	1,411	22.9	8.1	32.1	23.2	13.7

Source: WIPO Statistical Database

Note: 2009 data are provisional and incomplete. counts are based on the international filings date. EASY (Electronic Application System) and EFS-Web (Electronic Filing System).



**ITAG BUSINESS SOLUTIONS LTD.**<sup>TM</sup>  
 (A subsidiary of TCI Finance Ltd.)  
 An ISO 9001:2000 & 27001:2005 Organisation

**Corporate Office**

Suite # 1C & 1D, 1st Floor, Subham Plaza, 83/1 Beliaghata Main Road  
 Near EM by Pass Crossing, Kolkata—700 010, West Bengal, India  
**P** +91 33 2705 7198 | **F** +91 33 2363 3923

**Regd. Office**

1-7-293 Mahatma Gandhi Road, Secunderabad—500 003, Andhra Pradesh, India  
**P** +91 40 2784 4284 | **F** +91 40 2789 4284.

**W** www.itagbs.com | **E** info@itagbs.com

**Operational Offices**

**India** - Ahmedabad, Bangalore, Chennai, Hyderabad, Indore, Kolkata, Mumbai, New Delhi  
**Abroad** - Bangkok, Beijing, Colombo, Dubai, Hong Kong, London, Singapore, Shanghai, Virginia (U.S.A.)

Certification



Promoted by



Knowledge partner



**Disclaimer:** The contents published in this Newsletter is for information purpose only. All rights related to these contents, published herein is the property of ITAG. Unauthorized use of the same in strictly prohibited. All disputes are subject to Secunderabad jurisdiction.

"An intellectual is a person whose mind watches itself"-Albert Camus