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NEWSLETTER

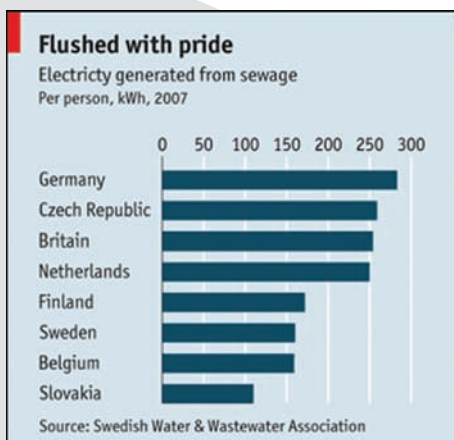
Director's Message



The world has entered into a new decade from 1st January, 2010 and this decade may be termed as "green decade" with a total revolution in the field of clean development mechanism with the help of 'green technology'. The recently concluded Copenhagen Conference under the auspices of the United Nations Framework Convention on Climate Change (UNFCCC) also lays emphasis for creation of a new green world by reducing the CO₂ and GHG emission to a desired level for sustainable growth for the mankind. However the new protocol will apply only from 2013, at the end of the Kyoto protocol and in the meanwhile a consensus is required for the member nations, in order to repay their ecological debt.

ITAG is organizing its second IPR Conference at Bangalore on 29-30 January this year with due emphasis on IP leveraging for the green technology along with several issues connected with patentability of

software and inventions in the field of electronic industry. Creativity and innovation are the uniqueness of the human mind which provides solution to all the emerging day to day problems in the process of economic growth. The search for alternative source of energy arises out of two factors, namely the depleting hydrocarbon resources and the GHG emission from the present pattern of consumption and resource waste endangering the human life due to climate change. The invention of renewable energy from solar, wind and bio gas are some of the efforts in this direction and the depicted graph is one of the examples



of converting sewage waste into green technology. Such efforts need to be multiplied coupled with rationalization of excessive consumption of energy and other commodities. It may be noted that 12 percent of the global population living in US and EU alone consume almost 60 per cent of the world's total consumption which is quite inequitable.

The IPR Conference at Bangalore shall dwell upon several important issues on innovation process management, implication of technology transfer and IP due diligence on mergers and acquisitions, issues relating to controversy arising out of the Federal Circuit judgement in the case of Bilski relating to patentability of softwares and business methods and for IP leveraging and optimization through a proper patent portfolio management. The subjects will be dealt with and deliberated by eminent experts from India, USA, Singapore and various other part of the world would definitely be enlightening to the participants with net value addition to the knowlege society. We had received very good feedback on our 1st IPR Conference held last year at Hotel Taj Bengal, Kolkata and feel confident that the 2nd IPR Conference being held in colaborroration with Bangalore Chamber of Industry and Commerce will also be a grand success.

Wishing a very happy and prosperous new year!!

-Dr. D. R. Agarwal

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IPR NEWS - INDIA

NO FOREIGN LAW FIRMS IN INDIA- BOMBAY HIGH COURT

After 15 years, since RBI had allowed three foreign law firms to establish in India, the Bombay High court proclaimed that the bank's decision was unjustified under the present laws governing advocates and their practice. The high court has favored a PIL filed by lawyers in 1995 against the bank's permission. The HC bench held that foreign law firms were barred from practicing in the country under the existing Advocate Act of 1961. Entry of foreign law firms into India even for practice on only non-litigious matters will not be allowed.

But on the issues of reciprocity and other rules to alter practice done by foreign law firms in India, the high court has asked the central government to take an appropriate decision. The Centre was all for paving the way for foreign law firms, but the Bar Council of India (BCI) was against letting them in.

The court stated that persons practicing the legal profession whether in litigation or non-litigation work will be governed by the Advocates Act, the Bar Council of India and the various state bar councils as well as courts to take action for professional misconduct, till the government decides to come out with a new law or amend the existing laws.

PATENT FOR ANTI-VIRUS SOFTWARE

Aniruddha Joshi, the chief investigator of Centre of Information and Network Security (CINS), a centre of the University of Pune, has been granted patent by the Indian Patent Office, for his invention relating to a system for aggregating logs in a computer network which was filed four years ago. The patented system can limit virus attacks on computer networks as well as minimise false alerts of attacks.

The development of this system was part of a CINS project submitted to the Union Ministry of Information Technology in 2003. Mr. Joshi said that managing the security of information and networks is of utmost importance. Though there are several security systems such as firewall and antivirus, his patented system would help detect attacks as well as false alerts generated by security systems.

The project had received a funding worth Rs 4.4 crore from the government of India.

IT FIRMS FOCUS ON PATENTS TO INCREASE REVENUE

Top Indian IT firms have increased the number of patents filed in the past one year to protect revenues. TCS, the country's largest IT firm, had filed for 60 patents last year and hopes to touch the 100-mark in financial year '10-11. Wipro and Infosys Technologies are following a similar path. Ananth Krishnan, chief technology officer, TCS, says that the company started using patents to protect its revenues and to reduce risk to its business.

IT firms have learnt a hard lesson from IBM's attempt to patent the process of offshoring of US jobs as most IT companies that chose offshoring would have had to pay a lump sum royalty to IBM to use the computerised process resulting in loss of revenue. IPR protection has now become the top priority of IT companies.

The combined value of Wipro brands, patents, trademarks and rights is around Rs 180 crore. The company has filed 137 patent applications and 59 have been granted till now. Technology experts say owning software brands or IP firms will not have to pay royalty to companies such as SAP or Oracle.

IPR NEWS-AROUND THE WORLD

JOHNS HOPKINS UNIVERSITY APL LICENSES PATENTS RELATED TO SOLAR ENERGY

The Johns Hopkins University Applied Physics Laboratory in Laurel has licensed two patents to Florida-based Genesis Electronics Group, Inc., covering a compact power source that produces electricity from solar energy.

Genesis plans to incorporate the technology into solar-powered chargers for cell phones and related hand-held electronic devices and is developing a solar-powered charger called

SunBlazer(TM). Being flexible, the self-contained power source can fit into any shape.

APL's Joe Suter, who invented the device with co-workers Binh Le and Harvey Ko, says that even the size of the battery can be shrunk.

Genesis now has exclusive worldwide rights to the U.S. patents, with the possibility for Johns Hopkins University's APL to provide research and development assistance.

IPR NEWS-AROUND THE WORLD....(contd.)

U.S. COURT TO PROBE SAMSUNG CHARGE AGAINST SHARP

A U.S. court is to investigate Samsung's allegations against Japan's Sharp for infringement of its patents to make LCDs used in televisions. Recently, Sharp won an LCD patent lawsuit against Samsung in the Netherlands in which the court had ordered Samsung's Dutch subsidiary to halt imports and sales of its LCD panels and LCD TVs that use the patented technology, and to withdraw the infringing products from the market.

Sharp had earlier won another battle when the U.S. International Trade Commission (ITC) ruled that Samsung had infringed Sharp patents and should no longer sell infringing devices in the United States. Samsung and Sharp are also in LCD patent-related legal fights in Japan and Germany.

MORE THAN 3 MILLION PATENTS GRANTED IN CHINA

The State Intellectual Property Office (SIPO) of the people's republic of China has granted cumulative 3,007,636 patents till December 7, 2009. Among them, 573,372 are for inventions; 1,340,391 are for utility models and 93,873 are for designs. It took eighteen

years and four months since the implementation of the Chinese Patent Law, for the grant of the first million patents. The grant of the second million patents took four years and two months. And it took only two years and one month to reach the third million.

PATENT EXTENSION FOR LUNESTA-A SLEEP DRUG

The United States Patent and Trademark Office has extended a patent covering Sepracor Inc.'s well-known sleep drug, Lunesta, for an additional two years.

The patent was extended for 760 days and would expire on February 14, 2014. The exclusivity period could be extended for an additional six months if Sepracor gets a sought-after patent extension for an indication in children.

The Food and Drug Administration (FDA) had halted two Lunesta studies in children in July this year. Japanese drug maker Dainippon Sumitomo Pharma Co. Ltd., has acquired the Marlborough-based Sepracor in October and now functions as an indirect, wholly owned subsidiary.

GLIMPSES OF JUDGMENT ON IPR

MICROSOFT LOSES \$290 MILLION FOR PATENT INFRINGEMENT (i4i LIMITED PARTNERSHIP AND INFRASTRUCTURES FOR INFORMATION INC. V. MICROSOFT CORPORATION)

Facts: This lawsuit is related to the infringement of the US Patent 5787449 (a method for processing and storing information about the structure of electronic documents). USPTO had issued the patent in 1998 in favor of the i4i Ltd., a Canada based company involved in designing and development of collaborative content solutions and technologies. Infrastructures for Information Inc. is the assignee of the patent. The infringement involved using of the plaintiffs' 'customized XML Editor' or 'Extensible Markup Language' that is used for encoding and displaying information. Basically XML is one of many markup languages and it tells the computer how text should be processed by inserting 'tags' around text.

i4i had filed this suit against Microsoft in 2007 alleging that Microsoft intentionally infringed their patent by making, using, selling, offering to sell, and/or importing of word products capable of processing or editing custom XML. In August, 2008 the US District Court for the Eastern District of Texas

made a permanent injunction Order to restrain the Defendant to use i4i's patented technology in one of their product Microsoft Word 2003 and 2007 as well as in Office 2007 and the Court also allowed a huge damage. Hence, this appeal arises before the US Court of Appeals for the Federal Circuit (CAFC) from the decision of the US District Court where Microsoft moved for a judgment as a matter of law on the issues of infringement, willfulness, and validity.

Issues: Whether act of Microsoft was a willful patent infringement and the amount of damages was improper?

Judgment: While pronouncing the judgment the Hon'ble Judge concluded that the infringement by Microsoft was direct, contributory as well as induced and thus it was a willful infringement. The Court also affirmed that the District Court was right to use their Statutory Authorities provided under 35 U.S.C 284 while allowing the damages of \$290 Million. The permanent injunction order against Microsoft will come into effect from 11th January 2010.

EVENT AT ITAG



2nd INTERNATIONAL INTELLECTUAL PROPERTY RIGHTS CONFERENCE (INDO-US Knowledge Enterprise)

**IP LEVERAGING IN SOFTWARE,
ELECTRONICS AND GREEN
TECHNOLOGY**
CONFERENCE: 29-30 JANUARY 2010
VENUE: HOTEL LaLiT ASHOK, BANGALORE

ITAG is organizing its second international IPR conference in collaboration with M/s Sughrue Mion PLLC, USA, at Bangalore on 29th and 30th January, 2010 at Hotel LaLiT Ashok on IP Leveraging in Software, Electronics and Green Technology.

Dignified speakers like Mr. Peter McKenna, Mr. Chid Iyer, Ms. Susan P. Pan, and Mr. Miku H. Mehta (Partners, Sughrue Mion PLLC, USA), Mr. Alban Kang (Managing Partner, Singapore ATMD Bird & Bird LLP), Mr. Dominic Keating (First Secretary, IP, US Embassy, New Delhi), Dr. Viswanathan Seshan (Country Manager, Philips Intellectual Property and Standards - India), Dr. Prabuddha Ganguli (CEO of Vision IPR, India), Dr. Pinaki Ghosh (Head, IP Cell, Infosys Technologies Ltd., India) etc will be enriching our knowledge on the above said topic.

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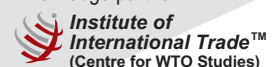
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