



# NEWSLETTER

**ITAG BUSINESS SOLUTIONS LTD.**

(A subsidiary of TCI Finance Ltd.)

AN ISO 9001:2008 & 27001:2005 ORGANISATION  
www.itagbs.com



Lab to land is the ultimate goal of any invention. Sometimes we also term it as invention-investment gap. In simple words, it can be understood as converting an idea into an asset. Thus an idea conceived and formulated at the laboratory stage is to ultimately meet the test of techno-commercial viability. Whereas the invention of an idea is the job of a scientist, to convert it into a commercial asset, useful for the consumer and the society is the job of an entrepreneur. In this way, the task of an IP cell in an organization is to manage the inventions and the innovations in the most co-ordinated manner so that the gap between the invention and investment is minimized for each novel invention taking place at the laboratory or at the research center.

It is important to undertake different kind of tests and searches to establish that the idea or invention is new in order to save time and money to avoid duplicating the research and invention which is already in the public domain or for which the patent already exists. This process is known as designing around the research activities so that not only a novel invention is carried out but also a watch is kept on the research activity of the competitor's technology. This process is carried out through the help of certain sophisticated software and the database and is precisely known as patentability study. The techniques used are white space

analysis, patent analysis, IP analysis and/or the technology mapping and landscaping.

Thus the several techniques used for patentability study enables the organization for effective management of the research and development. This requires a transparent IP policy within the organization for a clear understanding between the scientist and the IP cell which is responsible for protection and enforcement of the IP asset of the organization. The second important function of the IP cell is to justify the R&D expenditure by effective commercialization of the inventions. This is done by early evaluation and valuation of the technology so

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that the process for additional expenditure on research and patenting can be undertaken only for the inventions which are commercially viable.

It is thus clear that the process of converting an idea into an asset is skillful and innovative. The conventional assumptions about an IP Consultancy firm that it means only filing of a patent application for registration and thus has a limited scope of protection and enforcement of IPR alone is no longer valid. Today's dynamic world driven by knowledge economy calls for strategic solution for innovation and

## IN THIS ISSUE

Director's Message.....	1
IPR News India.....	2
IPR News International.....	2
IPR Judgements.....	3
Events at ITAG.....	4
Snapshot.....	4

technology and ITAG provides a gateway and one stop solution for IP management in a comprehensive manner. IP Leveraging helps the innovator to maximize the value of IP by using the same to the extent of its own financial and marketing capacity and licensing out to others for optimum value realization.

ITAG and its team have evolved a unique system of identifying the invention as its roots and to help the IP cell of any research based organization for an effective and productive functioning of R&D center by using several software tools and applying several techniques of innovation process management. Our team has also developed effective technology valuation system to apprise the management of the ultimate commercial value of the invention. We also help management in developing a complete IP manual for the effective and transparent functioning of the IP cell including training to the scientists involved in the process of inventions and innovation.

**-Dr. D. R. Agarwal**

## IPR NEWS - INDIA

### MAHABALESHWAR STRAWBERRY, SANGANER HAND BLOCK PRINTED TEXTILES AND BALARAMAPURAM SAREES GET GI

The strawberry grown in Mahabaleshwar-Panchagani belt of Western Maharashtra region and known as Mahabaleshwar strawberry has received GI status. The All India Strawberry Grower's Association had applied for the GI at Chennai based Geographical Indication Registry.

A GI tag guarantees quality and distinctiveness which is attributable to the origin of a product to a defined geographical locality, region or country. The juicy fruit is exported to over 153 countries in the world.

The 500 year old Sanganeri hand block printed textiles, characterized by delicate floral motifs in multiple colours, has also received the GI tag.

DFID-supported UNCTAD's India project through its partners - Indian Merchants' Chamber Mumbai, Rajasthan Chamber of Commerce & Industry (RCCI) and Rural Non-Farm Development Agency (RUDA) of Government of Rajasthan assisted the artisan community in Sanganer in seeking the GI certificate.

The Balaramapuram Sarees of

Kerala has become the first handloom product to receive GI from this southern state of India. This is the 35th textile product in the country to receive the tag. The application was filed by the Director, Handlooms and Textiles, Government of Kerala. Balaramapuram in Thiruvananthapuram district of Kerala is one of the most historically important places for weaving of fine cotton sarees and fabrics in India. The weaving activities in this region were encouraged by the Maharaja of Travancore, Maharaja Balarama Varma.

The Balaramapuram handloom sarees are famous for their exquisite hand-woven designs and are made out of the finest cotton yarn with intricate and unique designs of zari or dyed yarn.

GIs are publicly owned by the artisans/ producers of the concerned product and the GI tag can commercially benefit thousands of artisans, traders and exporters of these products. This GI tag will help the producers to control infringement of their products legally and promote the economic prosperity of the producers.



### INDIA TO OPPOSE ACTA-THE NEW PIRACY LAW

India is trying hard to create a united front against an anti-counterfeiting agreement being negotiated by some developed countries, which could threaten exports of genuine off-patent drugs, information technology and other products from emerging markets.

The anti-counterfeiting trade agreement (ACTA) proposed between the EU, the US, Australia, Canada, Japan, Korea, New Zealand and Switzerland seeks to expand the scope of protection and sets higher standards for enforcement of IPRs beyond the provisions of the TRIPS agreement. Apart from affecting the exports from emerging markets, the agreement may give member countries power to seize and destroy exports while in transit to third countries.

The strict norms being proposed at the ACTA would extend to import, export, in-transit and other circumstances when goods are under customs regulation. This will add to the problem of wrongful seizures being currently faced by Indian generic drug exporters to Latin America and Africa at European airports.

India would hold talks with like-minded countries like Brazil, China, Egypt etc and would jointly oppose the ACTA proposal.

## IPR NEWS-AROUND THE WORLD

### JAMES CAMERON ACCUSED OF PLAGIARISM

Filmmaker James Cameron of the blockbuster movie 'Avatar' fame is facing a lawsuit after being accused of stealing the idea of a California woman for the film. Writer Kelly Van claimed that Cameron based the movie on her online book 'Sheila the Warrior: The Damned'.

Ms. Van alleges that both the director and the movie studio 20th Century Fox plagiarised her plot and character details.

She also claims the outfits and powers/rituals of the Na'vi characters, and the settings and scenes are based completely on her work.

'Avatar' was copyrighted on April 1 of 2007 and Van's

creation dates back to 2000, and it was published on the internet in 2003.

Others named in the copyright infringement lawsuit along with James Cameron are News Corp. subsidiary Twentieth Century Fox Film Corp., Dune Entertainment Inc., Ingenious Film Partners and Future Service Inc.

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

### GAMING COMPANY SUES PAKISTAN FIRM FOR TRADE MARK INFRINGEMENT

A Las Vegas gaming company Pinnacle Entertainment Inc. has sued an Internet firm in Pakistan. According to the gaming company, the Pakistani firm is infringing on trademarks with a website promoting an Indiana casino.

The suit was filed in U.S. District Court in Las Vegas against Pakistan company Eskay SEO and an individual associated with the website. The website, www.belterracasino.info links to an online casino, which in turn has a section promoting Harrah's Entertainment Inc.'s Rio hotel-casino in Las Vegas. Pinnacle claims that the



Belterra website infringes on its trademarks for the Belterra Casino Resort & Spa. Pinnacle also complained the Belterra website wrongly suggests that it is sponsored by Pinnacle.

The lawsuit seeks a court order requiring the domain name belterracasino.info to be transferred to Pinnacle and alleges counts of cybersquatting, trademark infringement, unfair competition and deceptive trade practices.

### FUJI FILMS PATENT *Kotala Himbutu*

The Japanese Fuji Films Company has been granted a patent for a valuable medicinal compound in Salacia (*Kotala Himbutu*) plant, which is in use in the traditional ayurveda medicine in Sri Lanka.

*Salacia Reticulada* is the variety that contains this particular medicinal value and is found only in Sri Lanka. This indigenous medicine from this plant is used to treat Venereal Diseases, skin ailments,

rheumatism and diabetes. The patent cites that this plant can be used to treat allergic symptoms due to sensitivity pollen, skin ailment and bronchial asthma. According to the patent issued on April 1, 2010, "any food or pharmaceutical product that has immunopotentiator or anti allergy agent that is made out of an extract or pulverized product of any plant belonging to the Salacia" is belonging to them.

Though Fuji Films has failed to identify the active compounds in the plant, Sri Lanka is denied of the rights of this particular medicinal compound and its products, because of this patent which is valid in 184 countries. The same company has procured 8 patents related to the genus salacia.

With the Fauna and Flora Amendment Act in 2009, all species of the genus salacia are protected and any kind of exportation of any part or any product containing any salacia material is an offense.

3

## GLIMPSES OF JUDGMENT ON IPR

### Fuji Film won \$16 Million in Lens-Fitted Film Packages patent infringement case

**FACTS:** This case relates to single-use cameras or Lens-Fitted Film Packages (LFFPs). Fuji Film Corp. owns U.S. patents related to LFFP. Once the LFFP is used by a consumer, the film processor opens the LFFP and processes the film and does not return the empty LFFP (shell) to the consumer. The defendant Jazz Products used to refurbish the empty LFFPs and sell it as new LFFP in the market.

In 2005 Fuji sued Benun, Jazz and others for patent infringement. After Bankruptcy Court for the District of New Jersey shut down Jazz, PE supplied Jazz with LFFPs that were

refurbished by PE's Subsidiary company PC from China. Later on Jazz purchased the Jazz Photo Corp's inventory about LFFPs made by PE and PC (collectively polytech). The District Court made preliminary injunction against Jazz from selling in or to the US. Later on Jazz again started re-importation of the LFFPs which was in question and the District Court found defendants liable for contempt of the preliminary injunction based on the evidence that the re-imported LFFPs were infringing as determined by the sampling process. In 2009 the defendants moved in limine to bar reference to prior

litigations and administrative actions and to collaterally stop Fuji from litigation.

**ISSUE:** Whether the Defendants are liable for patent infringement?

**JUDGMENT:** At the close of Fuji's case, defendants moved for judgment as a matter of law (JMOL) under Fed. R. Civ. P. 50(a) on Fuji's infringement claim based on defendants refurbishing Achiever-brand LFFPs. Defendants' JMOL motion was denied. The jury found willful infringement of Fuji's patents by the defendants and awarded \$16 million in favor of Fuji Film Corp.

## FORTHCOMING EVENT AT ITAG

### Workshop: BIOSIMILARS - An Opportunity to Explore

**Organised by: ITAG Business Solutions Ltd.**  
**Knowledge Partner: Sughrue Mion PLLC, USA**

**Hyderabad (22nd July, 2010)**

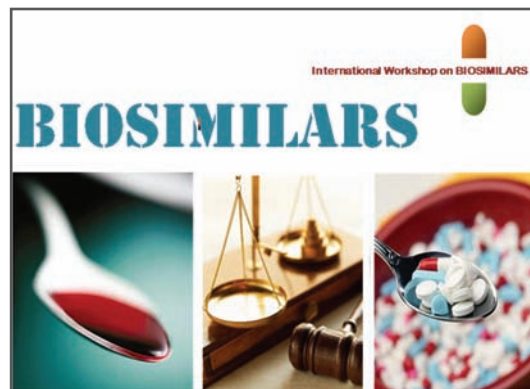
**Venue:** Hotel Taj Banjara, Hyderabad

**Bangalore (24th July, 2010)**

**Venue:** The LaLiT Ashok Bangalore

**For registration,** please visit: [www.iprconference.com](http://www.iprconference.com)

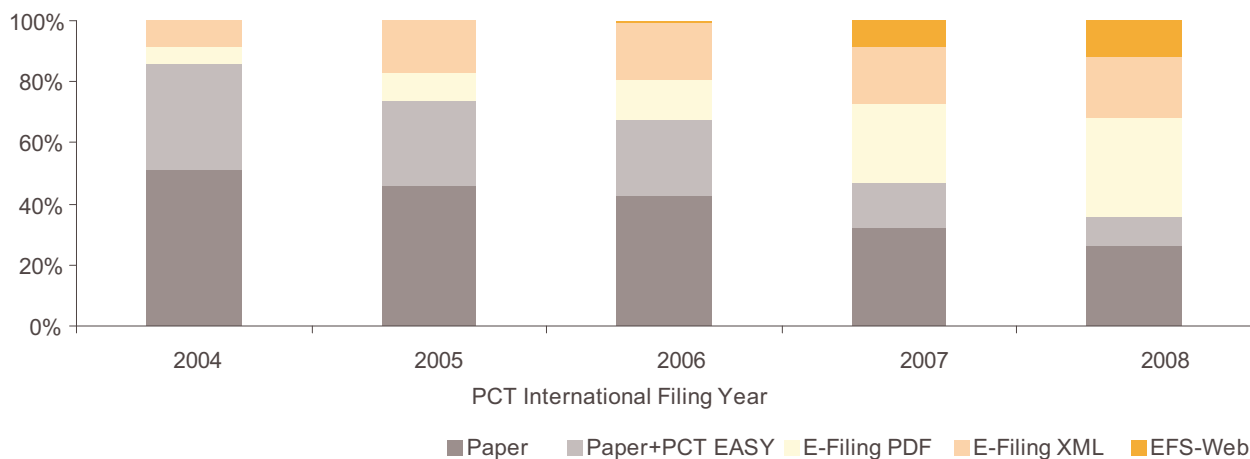
**Email to:** [partha@itagbs.com](mailto:partha@itagbs.com), [navin@itagbs.com](mailto:navin@itagbs.com)



4

## SNAPSHOT

### Share of PCT International Applications by Medium of Filing



Source: WIPO Statistics Database



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