

# NEWSLETTER

## ITAG BUSINESS SOLUTIONS LTD.

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### Director's Message



ITAG's motto is "You invent and We prevent, You invent and We invest". In today's world human resource and the intellectual resource play a prime role in creating value of an organization and also of a

nation. There was a time when natural resources used to be the prime resource because agriculture was the only means of livelihood. Gradually the society invented new technologies and with that industrial revolution started which made the capital resources more important.

The process of invention and innovation continues and today in the 21st century, knowledge plays the predominant role and as a result human resource pre-occupies maximum space in the pie of global economic resources. According to a World Bank study the ratio of the economic resources are as: HUMAN RESOURCES-64, NATURAL RESOURCES-20 and CAPITAL RESOURCES-16. This shows the reversal of the importance of Capital Resource which is now marginalized to a low of one-fourth in its weightage in proportion to the human resource.

Therefore today, the countries and the corporates having rich human resource with dedicated research and innovation can only maintain and retain their position in the global economy. This situation underlines the importance of research, invention, and innovation on the one hand and its protection and enforcement on the other hand. It is also noteworthy that the economic growth of a country can be accelerated exponentially on sustainable basis with improved technology which increases the overall productivity of the available resources. Capital resources and natural resources can only help a linear growth in the economy as against the intellectual resources which can give exponential growth.

Intellectual Property Rights give rise to an intangible asset which is tradable like any other tangible commodities. This has

necessitated creation of Trade Related Aspects of Intellectual Property Rights (TRIPS) under the legal framework of World Trade Organisation (WTO). The harmonious legal structure of IP laws at global level has enabled free flow of foreign direct investment and transfer of technology across the globe and thereby increased level of integration of economic activities. The need of the hour is to develop environment friendly technology which can not only save this earth from CO2 and GHG emission but also promote a sustainable energy security to the global community under the clean development mechanisms. There is a well known saying that necessity is the mother of invention but it should not become the other way round and greed should not precede the invention to provoke demand under the influence of the market dominated consumerism.

IP management and IP maintenance are at the core of creating value and providing safety to the intangible wealth. The days are not very far when intangible knowledge banks will be in market place to manage intangible wealth and the unit monetary value of IP will be a product to be lent (or to be Licensed) and will expand the market potentiality of new IP products as such IP Insurance, IP Collateralization, IP Securitization for which IP exchanges will gain more priorities.

It is in this broader perspective that ITAG has been established as a single window service and a gateway to innovation and technology. ITAG understands the possibilities and potentiality of various kinds of IP services including IP Valuation and Commercialization. IP awareness is one of the prime need of the hour for unlocking the hidden value of the intangible wealth in India and at the global level. Global IP Convention, 2011 is a step in this direction and reflects the dedicated designs and efforts as part of the strategy to provide a platform for optimizing and leveraging the value of Intellectual Property.

- Dr. D. R. Agarwal

## IPR NEWS - INDIA

### NEW MANUAL OF PATENT OFFICE PRACTICE AND PROCEDURE AND DESIGNS PRACTICE AND PROCEDURE PUBLISHED

The Indian Patent Office has finalized and published the latest Manuals of Patent Office Practice and Procedure and Designs Practice and Procedure. The Patent Manual details various practices to be followed by the patent office at different stages of the patent process, starting from filing of a patent application till the patent renewals.

The Design Manual based on the provisions of Designs Act, 2000 and the Designs Rules, 2001 as amended in 2008, provide complete information on the practice and procedures followed by Designs Wing of the Indian Patent Office, for processing of Design Applications to the public and users of Design Registration System.

The latest manuals would be helpful in simplifying and reorganizing the existing patenting system by explaining the guidelines that are to be followed in the process. The access to the exact procedure involved in

the prosecution of applications would result in greater efficiency and improve the transparency of the process.

### INDIAN SCIENTISTS PREVENT UK FIRM FROM PATENTING BHANG

Indian scientists have successfully prevented a British drug company's attempt to patent the medicinal properties of bhang— an ancient intoxicant. GW Pharma Limited had filed an application with the European Patent Office (EPO) to patent *Cannabis sativa* for its properties to treat cough and bronchitis.

Bhang, as is called in India has been known for centuries and its medicinal properties are detailed in Ayurvedic and Unani texts. The Traditional Knowledge Digital Library (TKDL) provided the evidence to EPO which accepted the same. GW Pharma Limited has withdrawn its application following objections by Indian authorities.

### KERALA PEPPER, CARDAMOM ACQUIRE GI STATUS

The Spices Board of India under the Ministry of Commerce has obtained GI status for Malabar pepper and Alleppey green cardamom.

The Board has also registered ginger and turmeric as products that have unique flavor and characteristics because they are grown in a specific geographical region of India. This geographical indication (GI) status will help branding these spices as premium products that cannot be matched by similar crops grown in other parts of the world.

The Malabar Pepper (*Piper nigrum*) grown in India's Malabar Coast has higher Piperine content of 7% and a volatile oil content of 4.5%. Known as 'the queen of spices', cardamom is an exquisite spice grown in the tropical rain forest plantations of Kerala. Its green seeds have been chewed raw and added to food preparations, wines and sweets for its pleasant aroma, since ancient times. The aromatic Alleppey green-cardamom (*Elettaria cardamomum*) is cultivated mainly in South India and mostly in Kerala.

India with more than 40% share of the world area under pepper, contributes about 23% of the total production of pepper in the world. Kerala accounts for 97.4 per cent of the total area under the crop in the country.

## IPR NEWS-AROUND THE WORLD

### RIM WINS ACCESS TO 30,000 INTELLECTUAL VENTURES PATENTS

Research In Motion, the BlackBerry maker has reached a licensing deal with Intellectual Ventures that will give the company access to more than 30,000 patents held by the intellectual property company.

This deal, the details of which are not known would help RIM remain competitive by accessing a broader set of patents to help manage its business.

Intellectual Ventures which as

customers like Samsung and HTC, is a privately-held company co-founded by former Microsoft chief technology officer Nathan Myhrvold in 2000. This company, last December, had sued nine companies for infringing patents covering technologies used in telecommunications, computing and networking.

The Canadian company, RIM is also a member of RPX, a defensive patent collector that acquires patents so they cannot be involved in lawsuits against its corporate members. It sued a startup

company Kik Interactive last year, claiming its founder, a former RIM employee, had infringed patents by constructing a cross-platform instant messaging service that rivaled RIM's BlackBerry Messenger.

### APPLE SUES AMAZON.COM OVER 'APP STORE' TRADEMARK

Apple Inc. has sued Amazon.com Inc. over its use of the phrase "App Store," alleging trademark infringement by the online retailer. Apple Inc. in a complaint filed in the federal court for the Northern District

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

of California, has sought unspecified damages and an injunction stopping Amazon from using the Apple's "App Store" trademark for a mobile software developer program. Apple alleged that consumers of mobile software downloads would be confused as to whether Amazon's mobile software download service is sponsored or approved by Apple. The two companies compete with each other in many businesses including e-books as well as digital music and movie sales.

Apple had registered the trademark on the term "App Store" on July 17, 2008 and has been using the name since then to refer to its applications store for iPhones, iPod touches and iPads. This mark is being challenged by Microsoft Corp. which claims that the term is too to be afforded protection and is currently subject to proceedings before an appeals board of the U.S. Patent and Trademark Office.

Apple alleges that Amazon began using the phrase around January this year to refer to its mobile-software download service. Amazon, however, mentions it as "Appstore," with no space and a lower case 's' in "Amazon Appstore Developer Portal" and "Amazon Appstore".

### 32 COMPANIES SUED FOR A SINGLE-PATENT INFRINGEMENT

A single patent is in the center of a lawsuit in the U.S. District Court for the Northern District of Texas Dallas Division against a total of 32 technology companies. H-W Technology, a Texas-based company has sued Apple, Google, Microsoft, Amazon, eBay, Motorola, Nokia, Sony, Verizon, Expedia, Priceline, Hotels.com, and 20 other companies and sister companies, claiming infringement of a single patent.

The patent under debate is the US patent number

7,525,955, relating to an "Internet protocol (IP) phone with search and advertising capability." The patent granted in April 2009 is "a software platform in an Internet Protocol (IP) phone having the ability to be used with different communication infrastructures such as broadband, wireless communication and Plain Old Telephone System (POTS) service". It can also be used with different applications operating on the IP phone and has the capability to perform extra tasks like searches and advertising.

The suit particularly aims at Apple's iPhone, RIM's Torch, Samsung's Focus, HTC's Thunderbolt, and Motorola's Droid X, all of which are allegedly infringing on the patent. HW Technology has sought for a cease and desist order targeting companies that offered a feed to use the search and advertising facilities in the allegedly infringed patent.

## GLIMPSES OF JUDGMENT ON IPR

### FUJIFILM CORPORATION WINS PATENT INFRINGEMENT SUIT BROUGHT BY ST. CLAIR INTELLECTUAL PROPERTY CONSULTANTS, INC.

#### FACTS:

In 2003 St. Clair sued Fujifilm including seven other digital camera manufacturers for infringing four U.S. patents before the Federal District Court in Delaware. All four patents share common specifications and cover electronic "still video cameras" that save digital photographs in user-determined memory formats for use on personal computers (PCs).

The District Court in 2004 interpreted the claims of the four patents, and a jury entered a verdict of infringement of all four patents based on the District Court's claim interpretation.

Fujifilm then appealed against the District Court's claim construction ruling and urged the Federal Circuit to reverse the jury verdict. Fujifilm pursued its challenge to the District Court's ruling even after a final judgment and appeal were delayed several years, during which St. Clair initiated a second litigation against Fujifilm Corporation for the same patents and made demand for damages from sales in 2004 - 2010.

#### ISSUES:

Whether the District Court erred while interpreting St. Clair's patents?

#### JUDGMENT:

The Court of Appeal for the Federal Circuit issued a decision that accepted Fujifilm's position on claim interpretation and reversed District Court's judgment of infringement. The Court went on and concluded that "we hold that the District Court erred in construing the asserted claims, and, accordingly, we reverse the judgment of infringement". The Federal Circuit directed the District Court to enter a judgment that Fujifilm's digital cameras do not infringe the St. Clair's patents. Further, on March 29, 2011, the Federal Circuit denied St. Clair's petition for rehearing.

## UPCOMING EVENT AT ITAG



# GLOBAL IP CONVENTION, 2011

28-30th April, 2011, Hotel LaLiT Ashok, Bangalore

## - : HIGHLIGHTS OF THE CONFERENCE : -

- ◆ IP BUSINESS MODELS, INNOVATION AND STANDARDIZATION
- ◆ OPEN INNOVATION
- ◆ TECHNOLOGY TRANSFER, LICENSING & COMMERCIALIZATION
- ◆ PATENT STRATEGY & INFRINGEMENT ANALYSIS
- ◆ OPTIMISING PHARMACEUTICAL PATENTS LIFECYCLE
- ◆ PATENT LITIGATION AND ENFORCEMENT
- ◆ IP VALUATION
- ◆ PATENTABILITY OF BUSINESS METHODS
- ◆ GREEN TECHNOLOGY
- ◆ PATENT LITIGATION ISSUES .....AND MANY OTHER TOPICS

## TOP 5 REASONS TO JOIN GLOBAL IP CONVENTION, 2011

1. Learn About Methods And Trends
2. Meet The Top Industry Experts
3. Great Networking Opportunities
4. Amazing Speaker Lineup
5. Versatile And Latest Issues To Be Discussed

### Call us at:

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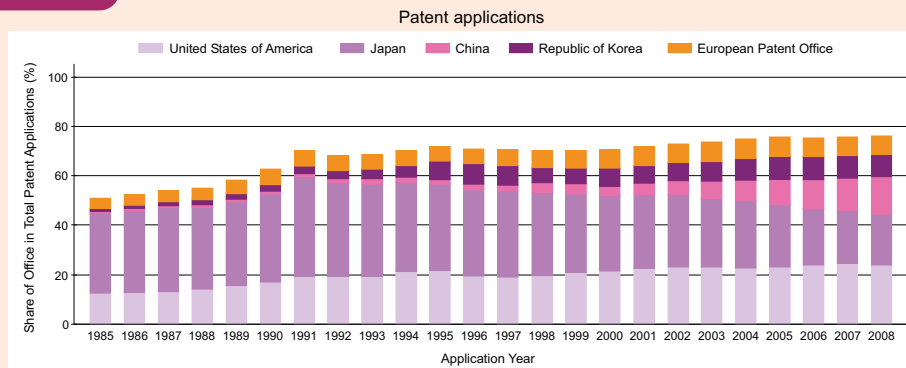
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## SNAPSHOT

Share of top 5 offices in total patent applications



Source: WIPO Statistics Database, June 2010



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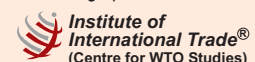
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