

NEWSLETTER

ITAG BUSINESS SOLUTIONS LTD.

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ITAG wishes its readers a **HAPPY INDEPENDENCE DAY**

Director's Message



Intellectual Property Consultancy involves several dimensions in relation to protection, enforcement and for optimizing the value of intellectual property assets. Intellectual property consists of several innovative and

creative ideas including copyright, trademark, brand, goodwill, inventions, technology, industrial designs, trade secrets and several other intangible assets. In India, people have so far recognized the protection of various IPs by way of registration and enforcement of IPRs through the process of litigation. However, the major thrust area which still remains unattended is the Intellectual Property Management (IPM). ITAG has distinguishly identified the need for filling the gap in the field of IP Consultancy. According to ITAG, almost 80% of the net worth of any business entity comes from the intangible asset in the form of its brand value and technology along with several other knowledge assets which come from their human resource. Therefore, there is a need to harness and to leverage the

intellectual capital of the organization through the following tools:-

1) IP Accounting; 2) IP Audit; 3) IP Valuation; 4) IP Commercialization, licensing and technology transfer; 5) IP Taxation; 6) IP Financing through collateralisation and securitization; 7) IP Due Diligence and IP Risk Management.

Apart from above, various other tools of IP Search and Analysis can help the organization in improving the quality of research and to fortify its competitive strength for its survival and growth.

ITAG has been engaged in providing such services to the business community for almost five years. Our aim is to bridge the gap between the inventors and the investors and to foster innovation. We believe that time has come when each organization needs to develop its IP Cell and have a clear cut IP policy and IP strategy as codified in their IP Manual. ITAG provides one stop solution for IP management including in-house training and organising workshops and other awareness programs.

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

IPR NEWS - INDIA

GI TAG FOR GIR KESAR MANGO, BHALIA WHEAT

The Geographical Indication's Registry in Chennai has bestowed the geographical indication (GI) tag to Gir Kesar mango and Bhalia wheat from Gujarat. Junagadh Agriculture University (JAU) and Gujarat Agro-Industries had applied for the GI on behalf of Junagadh farmers. The whole region around the Gir wildlife sanctuary is the habitat for this

variety of Mango and only those grown in the 18 *talukas* around the Gir would be known as Gir Kesar. The GI tag would help check the sale of ordinary Kesar mangoes, grown mostly in Junagadh and Amreli districts, as Gir Kesar.

Anybody selling any other variety of mango as Gir Kesar can be fined or jailed for a term extending up to two years. The fine ranges from Rs 50,000 to Rs 1 lakh under the

Geographical Indication of Goods (Registration and Protection) Act, 1999. Gir Kesar is the second mango variety to acquire the GI tag after the Dussheri of Uttar Pradesh.

Bhalia wheat, a long grain wheat variety grown without irrigation for centuries in the Bhal region of Gujarat has also been accorded the GI status. The wheat has high protein content and has a sweet taste.

The farmers in the Bhal region along the Bhavnagar and Ahmadabad districts will be able to use the tag "Bhalia wheat".

ICMR TO ACQUIRE PATENTS OF TRADITIONAL HEALING TECHNIQUES FOR ANDAMAN TRIBALS

The traditional healing methods, practiced for hundreds of years by some of India's most elusive tribes residing in the Andaman and Nicobar Islands using local medicinal plants are to be given due credit.

ICMR's Regional Medical Research Centre (RMRC) is preparing a unique Community Biodiversity Register (CBDR) for the tribals of the Andaman and Nicobar Islands to document their traditional healing practices, using 124 medicinal plants, their healing record, mode of preparation and number of patients treated. The ICMR plans to acquire patents of these traditional healing techniques in the name of the tribal healers.

About 170 medicinal plants have been identified in the Andaman and Nicobar Islands. Around 86% of the islands are reserved and protected tropical rain forests.

AACT SEIZES DVDS WORTH RS 1.34 MILLION

The Alliance Against Copyright Theft (AACT), a Hollywood-Bollywood alliance to fight the various forms of piracy in India, seized nearly 13,040 pirated DVDs and CDs nearly 31,000 inlay cards of newly released & unreleased movies in Mumbai and Aurangabad last month. The DVD'S included recent releases like Shaitan, Bheja Fry 2, Ready and Bhindi Bazaar Inc.

AACT maintains its scheme of conducting premeditated raids on movie pirates throughout the country to ensure that pirated versions of new movies are not available at roadside stalls.

AACT seized a total of around 81,040 pirated DVDs of newly released movies like Always Kabhi Kabhi and Double Dhaamal worth Rs. 47.2 lakhs across Mumbai and Gujarat in June 2011.

"GANDHI RICE" AS TRADEMARK OPPOSED

The name of the father of our nation Mahatma Gandhi and his image has been intended to be used for commercial purposes. A person named Valverde Munoz of Ecuador has sought trademark registration of the name and label "Arroz Gandhi" in

international class 30 at the Trademark Office, Ecuador. Mr. Lalit Bhasin an Indian lawyer has filed an opposition to this request for trademark registration.

The term "Arroz Gandhi" for which the trademark was sought in respect of "aged or old rice, also medium and long grain rice", when translated into English means, "Gandhi Rice". This rice may or may not come from India. Mr. Bhasin who opposed the registration of Mahatma Gandhi's name for commercial use in a foreign state mentioned in this petition that it could hurt the sentiments of the general public who have admired and respected Mahatma Gandhi as the Father of the Nation.

The law of India protects "Gandhi" as a national emblem, under the Emblems and Names (Prevention of Improper Use) Act of India, wherein no one may use the name or pictorial representation of Mahatma Gandhi or Gandhi in a trademark or design without authorization of the Government of India.

The opposition was taken on record by the Trademarks Office of Ecuador and it is likely to be heard on October 10.

IPR NEWS - WORLD

LOUIS VUITTON WINS LANDMARK COUNTERFEIT CASE IN CANADA

The luxury bag maker Louis Vuitton has won the largest ever judgment in a trademark counterfeiting and copyright case in Canada. A Canadian federal court has punished firms importing designer fakes from China.

The court has ordered Canadian companies Singga, Carnation Fashion and Altec to pay the French firm CAN\$1.4 million and its co-plaintiff

Burberry CAN\$1.1 million, for a total judgment of CAN\$2.5 million (US\$2.6 million). These companies with manufacturing operations in China had been selling, counterfeit and infringing fashion accessories, specifically handbags, bearing Louis Vuitton trademarks and copyrights and Burberry trademarks since January 2008.

The court, in its ruling has granted the highest penalizing damages of its kind in a counterfeiting case in Canada.

MICROSOFT AND GOOGLE ACCUSED OF INFRINGING 3D MAPPING TECHNOLOGY

Microsoft Corp. and Google Inc. have been charged for allegedly violating a Louisiana company's patent covering mapping technology that helps computer users see locations in three dimensions.

In a lawsuit, filed in the federal court in Wilmington, Delaware, the company, Transcenic Inc. alleges that executives of Google and Microsoft, the world's biggest

software maker, have infringed its patented technology that enables them to capture 3D images of locations on a map. The company now demands to recover damages sufficient enough to compensate for the alleged infringement by Google's Street View and Google Earth and Microsoft's Streetside programs.

Transcenc Inc. asserts that computer programs like Google's Street View system is also violating residents' privacy rights by collecting data from individual Wi-Fi networks. Google Street View has also been barred from filming in India.

EU AND GEORGIA SIGN AGREEMENT ON PROTECTION OF GIS

The European Union (EU) and Georgia signed a bilateral agreement on the protection of Geographical Indications of Agricultural Products and foodstuffs in Brussels on 14 July 2011. This would permit the use of geographical indications for anyone who

produces agricultural and foodstuffs in the EU and Georgia, also making sure that the imported goods meet European standards. Georgia is the first neighbour state to negotiate on this matter.

The EU was represented by the Polish Presidency and the European Commission. The agreement will contribute to the increase of trade between the EU and Georgia substantially. At present, around 3000 agriculture products have been registered for protection in the EU. Eighteen Georgian wines will be added to the list, including "Manavi", "Kindzmarauli", "Akhsheni", "Gurjaani", "Tsinandali", "Khvanchkara".

Google acquires 1,030 patents from IBM

Google Inc. in a bid to defend itself from any anticipated patent litigation has acquired more than 1,000 patents from IBM. The Internet search giant is taking on a mission to augment its intellectual property portfolio. Google at

present has more than 700 patents, mostly for search engine technology. Its Android mobile device software has often been targeted in legal disputes. Established companies from the mobile industry with large intellectual property profile are competing with Google.

Google was assigned 1,030 granted patents from IBM covering a range of topics, from the fabrication and architecture of memory and micro processing chips, to other areas of computer architecture including servers, router and online search engines. The acquired patents also cover relational databases, object oriented programming, and some business processes.

Google had made a bid for patents from bankrupt Nortel Networks in April but was ousted by competitors, including Apple, Microsoft and Research in Motion, that make devices that vie with Android.

GLIMPSES OF JUDGMENT ON IPR

INFRINGEMENT CASE OVER FORZID TRADEMARK DISMISSED BY MADRAS HIGH COURT

FACTS :

The Petitioner UBPL is engaged in the manufacturing and selling of pharmaceutical preparations including injections with the FORZID trademark. UBPL claims that since 2002 it took steps to launch CEFTAZIDIME injections under the trademark FORZID and entered into a license agreement with M/s. Oscar Remedies Pvt. Ltd. (ORPL), Haryana for manufacturing the same. UBPL filed an application for registration of the said trademark using the words "FOR" and "ZID", the latter derived from the generic drug ceftazidime. Several manufacturers of CEFTAZIDIME injections use

trademarks with the suffix "ZID" which is common in the trade.

In 1999 OCPL had coined and adopted the unique trademark ORZID with respect to a pharmaceutical preparation containing CEFTAZIDIME. OCPL obtained manufacturing license for the product marketed under the trademark ORZID with respect to export sale and domestic sale. OCPL applied and registered the trademark ORZID in respect of medicinal and pharmaceutical preparations claiming use of the mark since May 1999.

ISSUE :

Whether an interim injunction should be granted for passing

off or infringement? The High Court invariably arrives at a prima facie conclusion based on the materials placed on record at that stage.

JUDGEMENT :

The High Court of Madras held that OCPL would not be entitled to an injunction as prayed for "despite the fact that the plaintiff (OCPL) is admittedly the prior user of the trade mark and that both the marks "ORZID" and "FORZID" per se have phonetic similarity". The writ petition and the pending application were dismissed with costs of Rs. 5,000/- to be paid by UBPL to OCPL within a period of four weeks. The interim order is vacated.

LATEST ON IP

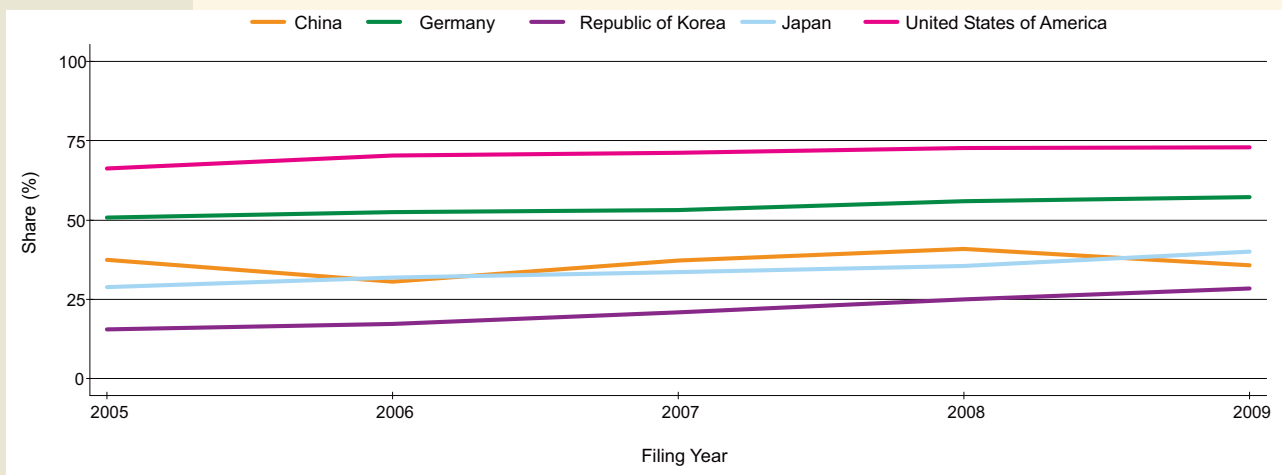
Drug Patent Expirations for the week of August 14, 2011

Tradename	Applicant	Generic Name	Patent Number	Expiration
CIPRO	Bayer Hlthcare	ciprofloxacin hydrochloride	5,286,754*PED	Aug 15, 2011
MEGACE	Bristol Myers Squibb	megestrol acetate	5,338,732	Aug 16, 2011

Ciprofloxacin hydrochloride and Megestrol acetate by the trade marks CIPRO and MEGACE are expired on 15th and 16th August, 2011 respectively, which are in public domain and due to the expirations of these drug patents millions who are in need of cheaper medications will be benefitted.

SNAPSHOT

Share of PCT national phase entries out of total filings abroad



Source: WIPO Statistics Database



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