

NEWSLETTER

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Director's Message



We take pleasure in acknowledging our deep gratitude to everyone who helped us in making the global IP convention 2011 historic. Organizing IPR conference and workshops is one of the prime objectives of our company

to create a platform of sharing knowledge, networking, building association amongst IP service vendors and consumers from all parts of the globe. We are specifically thankful to Mr. Robert Stoll, the Commissioner of Patents of USA and Mr. P H Kurian, the Controller General of Patent of Indian patent office who were the special attraction to the conference. Inspired by the overwhelming response in the conference at Bangalore, We are planning to organize our next IPR conference in January 2012 in Gurgaon (Haryana), India.

The issues on IP taxation are becoming very complex and important especially on transfer pricing. Commercial transactions for tangible or intangible assets involve different kinds of direct and indirect taxation in the form of VAT, Service Tax, Excise Duty, Customs Duty, Stamp Duty and so on. Intangible assets are transferable by way of license, assignment, and direct sale which are subject to various kinds of such taxes.

In today's global economic environment, where international trade of goods and services are expanding across the world, foreign direct investment is also flowing at bilateral and multilateral level under WTO legal framework which inter alia also involves transfer of technology. The commercial transactions can take place between two independent business entities and or between two closely related parties. Whenever the business transaction take place between two associated entities that are either related as holding and subsidiary companies or in any other manner, the transactions are looked at minutely by various taxation authorities with microscopic eyes to find out if there is any evasion of tax. Technically such transactions between related and associated parties are known as Arm's length transactions and if the transacted price is lower than the estimated market price the provisions of transfer pricing are applied by the taxation authorities.

Transfer of technology involving cross-border

transactions also involves application of transfer pricing regulations under the taxation laws of various countries. Indian Income Tax Act 1961 has embodied Special Provisions relating to avoidance of tax with relation to international transactions having regard to the arm's length price. The term "arm's length price" and the term "international transaction" has a separate meaning under chapter X of the Indian Income Tax Act 1961. An arm's length price means a price which is applied or proposed to be applied in a transaction between persons other than associated enterprises, in uncontrolled conditions.

An international transaction means and includes a transaction between two or more associated enterprises, either or both of whom are non-resident, in the nature of purchase, sale or lease of tangible or intangible properties. An intangible property means any kind of intellectual property including patents, copyrights, designs, trademark etc.

The Act also defines the meaning of an associated enterprise and it inter alia includes the two enterprise as associated enterprises, if, at any time during the previous year, the manufacture or processing of goods or articles or business carried out by one enterprise is wholly dependent on the use of knowhow, patents, copyrights, trade-marks, licenses, franchises or any other business or commercial rights of similar nature, or any data, documentation, drawing or specification relating to any patent, invention, model, design, secret formula or process, of which the other enterprise is the owner or in respect of which the other enterprise has exclusive rights.

Thus the issues pertaining IP has two important implications, one in the price component of the technology and the other in determining the meaning of the two enterprises as associate enterprises. The price component is relevant either for the lump sum value of sale consideration of the technology or for the license fees and the technical fees as consideration for the transfer of technology. The relationship component is relevant to decide the nature of association of the two or more enterprises. It is therefore important to take into consideration the impact of transfer price regulations whenever there is any involvement of transfer of technology in the international transactions.

- Dr. D. R. Agarwal

IPR NEWS - INDIA

GI TAG FOR VENKATAGIRI SAREES

The Venkatagiri saree becomes the 18th Indian saree to get Geographical Indication (GI) from the registrar of intellectual property rights. This 300-year-old traditional saree is produced by weavers of Venkatagiri town in Nellore district of Andhra Pradesh.

Once patronized by the royal Velugoti dynasty of Nellore, these sarees are made of pure cotton with elaborate gold and silver zari work and are fully handwoven.

The Venkatagiri Handloom Sarees Apex Society is responsible for the maintenance of quality standards for these typical south Indian saris which are soft and colour-fast. The weavers take special care to use soft water for dyeing and treating the yarn.

HC UPHOLDS ASHOK LEYLAND'S "LUXURA" TRADEMARK SUIT ORDER

The Madras High Court has dismissed the appeal of Bangalore-based Blue Hill Logistics Pvt Ltd that had challenged an order of a single judge-Bench which had restrained Blue Hill Logistics from infringing Ashok Leyland's registered trademark "Luxura". The logistics company had been

using an identical trademark on their buses.

Ashok Leyland which launched the Luxura bus in 2006 had sought an injunction to restrain Blue Hill Logistics Pvt Ltd and Mumbai-based Dilip Chhabria Design Private Ltd from infringing its trade mark. Blue Hill ferries Volvo buses designed by Dilip Chaabria Design Private Ltd between Bengaluru and Chennai under the trademark 'Luxuria'.

Blue Hill had contended that Ashok Leyland cannot claim monopoly either over the word "LUXURY" or its variants. The division bench, dismissing the appeal, stated that as Ashok Leyland has registered the trade mark, it is the legal owner of the mark and it would incur loss if the infringement is not checked.

DR REDDY'S SIGNS DEAL WITH WYETH ON EFFEXOR

Dr Reddy's Laboratories Ltd., the Hyderabad-based Indian drug firm has signed a settlement deal with Wyeth, a subsidiary of the international pharmaceutical company Pfizer Inc, over a generic version of the best-seller antidepressant and anti-anxiety drug - Effexor XR.

Wyeth had filed lawsuits against a number of generic drug firms to protect its hold on the market for Venlafaxine-HCl extended release capsules. This subsidiary of Pfizer Inc. had entered into a

similar settlement agreement with Orchid Chemicals & Pharmaceutical Ltd this month. Sun Pharma, Lupin, Aurobindo Pharma, Ranbaxy and Teva are the other companies with which Wyeth had entered into settlements last year.

Patents for the blockbuster antidepressant and anti-anxiety drug Effexor are set to expire in September 2017.

INDIA DOCUMENTS YOGA POSTURES TO CHECK PATENT PIRACY

India has prepared a database describing 1,300 yoga postures including videos of 200 asanas to check patent pirates from exploiting ancient Indian knowledge for commercial gains. CSIR referred 16 ancient texts, including Patanjali Yoga Sutra and described the yoga postures, now made available to international patent offices through the Traditional Knowledge Digital Library (TKDL). The 30-40 most popular yoga asanas documented in the digital library would be available in the open domain and the rest would be available only to patent offices. India has signed agreements with the patent offices of US, Europe, German, Australia, Canada, United Kingdom and Japan, joining the list of patent offices having access to resources on traditional knowledge of India.

IPR NEWS-AROUND THE WORLD

ACUSHNET WINS PATENT FIGHT OVER PRO V1 GOLF BALL

The golf business company of Fortune Brands Inc., Acushnet Co. has won a federal court ruling in its favor in a patent row with a Carlsbad-based company, Callaway Golf Co. Acushnet had requested the U.S. Patent & Trademark Office to re-examine patents on some of its golf balls way back in January 2006 and Callaway

had filed a lawsuit against Acushnet in February 2006, claiming Acushnet's Titleist Pro V1 golf balls infringed on its own patents. A court decision prohibiting Acushnet from selling the balls was passed and Acushnet was ordered to pay \$150 million in damages to Callaway.

In March 2010 a jury ruled that the Callaway claims to the patents were invalid. This verdict was upheld by a judge

in the U.S. District Court for the District of Delaware, which rejected Callaway's request for a new trial for the five-year-old case.

First played in the U.S. Open in 1949, Titleist golf balls are the top-selling golf balls in US. The Pro V1 ball, introduced to professional players in 2000, has the position of the most popular high-performance ball in golf. The patents related to this ball were issued in 2001

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

and 2003.

COPYRIGHT FOR PAINTINGS OF LATE PHILIPPINES PRESIDENT

The Intellectual Property Office of the Philippines (IPOP HL) will issue copyright certificates to the paintings of the late President Corazon Aquino, who was the 11th President of the Philippines and the first woman to hold that office in that country. These certificates will be issued in commemoration of the 11th World Intellectual Property Day this week.

The first/maiden copyright registration certificate covering the paintings created by the late President would be issued in favor of the Ninoy and Cory Aquino Foundation (NCAF) in a ceremony at the IPOP HL on April 29.

The IPOP HL also announced that the Copyright Registration and Deposit System (CoRDS) will be functional by June 2011. IPOP HL would start accepting applications from artists, scholars and all copyright stakeholders on behalf of the National Library of the Philippines (NLP), with the launching of CoRDS. This is a project which is the resultant of a Memorandum of Agreement signed by the NLP and IPOP HL on January 25, 2011.

PEPSICO AND COCA-COLA SETTLE TRADEMARK ROW OVER FRUIT JUICE PACKING

PepsiCo and Coca-Cola have settled a trademark lawsuit over PepsiCo's packaging for its Trop50 line of fruit juices. Atlanta-based Coca-Cola had accused PepsiCo of copying

the Trop50 packaging from its Simply line of fruit juices, sold in carafe-style bottles with narrowed necks and oversized green screw caps.

Coca-Cola had claimed in its suit that PepsiCo's new low-calorie Trop50 brand of fruit juices would confuse consumers and weaken the quality of Coke's Simply brand of premium juices. The Coca-Cola's Simply line of juices were launched in 2001 and PepsiCo began selling Trop50 juices in paper cartons in 2009 and repackaged the product in the clear plastic carafes last year.

A U.S. District Judge dismissed the lawsuit after the companies reached a settlement over the issue and submitted a joint motion seeking to terminate it.

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GLIMPSES OF JUDGMENT ON IPR

Boston Wins \$19 Million Damages in a Coronary stent patent Infringement Suit

Facts:

In 2009 Boston Scientific Corp. (Boston), a maker of stents used to prop open coronary arteries, sued Johnson & Johnson's Cordis Corp. (Cordis) for infringing Boston's U.S. patent '5922021' ('021'), issued in July 1999 and titled 'Intravascular stent'. A heart stent is a metal mesh tube used to hold an artery open and improve blood flow after it is surgically cleared of blockages. Drug eluting stents like the one in this case release medication to reduce the risk of re-blockage.

A U.S. District Judge granted summary judgment to Boston, finding that Cordis' patent infringement is a matter of law, since it has the same architecture as three other

sizes of stents that were found to infringe the same claim of the patent. Boston had argued that three sizes of the Cypher stent were infringing, and a jury returned a verdict in favor of Boston in 2005. Cordis asked for a re-examination of the patent-in-suit in October 2009. In September, a patent examiner rejected three claims of the patent-in-suit on the ground of obviousness, but Boston overcame that challenge in December. Cordis filed a second request for re-examination in January, and in February the USPTO issued a non-final office action rejecting one claim of the '021' patent as anticipated and obvious. Cordis moved the Court to delay the trial until the USPTO finished its re-examination, but Hon'ble Judge stating that 'a

final determination by the PTO could take years,' denied the motion and sent the case to a jury.

Issues:

Whether there was any willful infringement of the plaintiffs' patent ('021')?

Whether Defendant's motion to stay trial on damage is maintainable?

Judgment:

The Hon'ble Court found that Cordis' act amounts to willful infringement and denied Cordis' motion to stay trial on damages. The Hon'ble Court grants a motion for summary judgment of infringement and awarded \$19 million as damages to Boston.



GLOBAL IP CONVENTION, 2011

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

Innovation - the key to Empowerment and Growth

Feedback from Delegates / Speakers / Guests

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Congratulate you for organizing such a nice conference. Every aspect of the conference was really good. Would be good if you can arrange similar conference on Media & Entertainment.- **SONY Entertainment Television, India**

Congratulate you for organizing a very successful and interesting international conference on IP. The conference agenda was comprehensive and covered all topical and relevant areas. The guest speakers were eminent and professional. I was very happy to have participated in the conference and would like to sincerely thank you for your kind invitation and hospitality. - **Former Deputy Director General, World Intellectual Property Organization, Geneva**

It was an amazing interaction with you and overall a learning experience even though the time was very limited to interact. The way you organised by bringing people across the globe is really appreciable and my compliments to you and your team. This is one of the best gathered IPR Conference ever seen. - **A renowned IP Firm**

The format of the convention was par excellence meeting or beating global standards. Deliberations and sessions were beautifully managed and conducted throwing light on various vistas of IP pertaining to different domains of science and Tech. - **PROMED Research Centre, Gurgaon**

I very much appreciate your looking after me and thought that the conference itself was extremely well organised and went very smoothly. I got the impression that people there really enjoyed it and they were very open and friendly. - **Intangible Business, United Kingdom**

It was extremely informative and attracted an excellent range of delegates. We would be very interested in attending and speaking at the next conference that you organise. - **Kilburn & Strode LLP**

We would like to congratulate you on organizing a very successful conference. We heard many positive remarks about the conference from both the delegates and the speakers. The sessions were carefully thought out and ran smoothly. We look forward to participating again next year and wish you continued success. - **Finnegan , USA**

It was a nice experience to be part of this conference. Information shared at different levels and dimensions were awesome. - **HCL Technologies**

It was a very impressive event. The collection of expertise which was gathered in Bangalore really demonstrates, in my view, the increased importance of India in the global economy in general, and in the IP field in particular. - **JA Kemp & Co**



GLOBAL IP CONVENTION, 2012

ITAG will organize its next Global IP Convention on 5-7 January, 2012 at India Habitat Centre. Details of this conference will be announced soon.

Tentative Date: 5-7 January, 2012

Place: New Delhi, India



GLOBAL IP CONVENTION, 2011

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

Innovation - the key to Empowerment and Growth

ITAG organised Global IP Conference, 2011, a three day International IPR Conference held in hotel Lalit Ashok, Bangalore from 28th April to 30th April. The conference was a great success and in broad way propelling new grounds for convergence of IP globally. The continuous support and patronage received from all the learned speakers and guests made the conference a big learning experience and we from the entire team of ITAG are thankful for such overwhelming support. The three fascinating days of the convention witnessed intellects from various countries like USA, UK, Sweden, Singapore, Australia, Hong Kong, Brazil, Germany, Canada, and India. Glimpses of the conference are given below.



Mr. R. C. Gowda is lighting the inauguration lamp of Global IP Convention, 2011.



Mr. Robert Stoll, Commissioner of Patents, USPTO, delivering his speech in Global IP Convention, 2011



Left to right: Mr. Narendra Sabharwal, Richard Liu, Prof. Ing Sigrum Schindler, Mr. Ben Adams



Left to Right: Mr. R. C. Gowda, Mr. Mahendra Agarwal, Mr. Narendra Sabharwal.



Dr. D. R. Agarwal, Director, ITAG Business Solutions Ltd.



Mr. P. H. Kurian, Controller of Patents, Trademarks and Designs, Government of India.



Mr. Narendra Sabharwal, Former Deputy Director General, WIPO.



Mr. Richard Liu, Regional IP Director, Asia Pacific, Yahoo Inc.



Mr. V. Lakshmikumaran, Founder and Managing Partner, Lakshmi Kumaran and Sridharan



Mr. Pravin Anand, Managing Partner, Anand and Anand



Prof. Dr. -Ing. Sigrum Schindler, CEO, Teles AG, Germany



Mr. Chid Iyer, Partner, Sughrue Mion PLLC, USA.



GLOBAL IP CONVENTION, 2011

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Mr. Thayne Forbes, Joint Managing Director, Intangible Business, U.K.



Mr. Michael Dzwonczyk, Sughrue Mion PLLC, USA



Prof. N. L. Mitra, Partner, Foxmandal Little



Mr. Anand K. Sharma, Partner, Finnegan, USA



Ms. Anubha Sharma, Senior Legal Counsel and Head-IP, Bharti Enterprises Ltd.



Dr. Samiran Mahapatra, Open Innovations Director, Asia, Hindustan Unilever Limited.



Dr. Pradeep V Desai, Principal Consultant, Tata Consultancy Service



Mr. T. C. James, Director, National Intellectual Property Organisation



Ms. Susan Pan, Partner, Sughrue Mion PLLC, USA



Mr. Dinesh Jotwani, President, National Bar Association of India



Dr. Arun Kumar Kashyap, Chief Research Manager-IPR, Indian Oil Corporation Ltd.



Dr. Anindya Sircar, Head-IP Cell, Infosys Technologies Limited.



Mr. Alban Kang, Managing Partner, ATMD Bird and Bird, Singapore



Dr. Aravind Chinchure, Hear-IP, Reliance Industries Ltd.



Mr. Ayan Roy Chowdhury, Senior Manager-Legal and IP, Sony Entertainment Television



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Mr. Alex Jamal, Director, Patent Licensing, Ericsson AB, Sweden.



Dr. Vishwanathan Seshan-Country Manager-IP & S India, Philips Electronics India Ltd.



Mr. S. K. Murthy, Patent Counsel, Intel Technology India Private Ltd.



Ms. Ashwini Sandu, Senior GM-IPR, United Phosphorus Ltd.



Mr. Mohammad S. Rahman, Director, Rahman LLC, USA.



Mr. Gautam Bakshi, Head-IP, Promed Research Centre.



Dr. Satish Tiwari, IP Manager, GE India Technology Centre



Mr. Terry Ludlow, Founder & CEO, Chipworks, Canada.



Mr. Chandra Bajagur, Head-IP, Shell Technology India Private Ltd.



Dr. Alpesh Pathak, Head-API Patent Cell, Alembic Research Centre



Dr. Vijay Soni, Executive Vice President-IP, Glenmark Generics Inc.



Dr. Swati Bal-Tembe, Vice President, Piramal Life Sciences Ltd.



Dr. Rajeev Gupta, Partner, Finnegan, USA.



Dr. Rahul Verma, Assistant Vice President, Evalueserve.



Dr. T. Ramakrishna, Professor of Law, National Law School of India University



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Dr. R. Venkata Rao, Professor of Law & Vice-Chancellor of NLSIU, Bangalore



Mr. Dawn Jos, Patent Strategy Coordinator-Asia, Texas Instruments



Dr. Pinaki Ghosh, IPR Lead, Infosys Technologies Ltd.



Mr. Santanu Mukherjee, Lead IPR Attorney, Qualcomm India Pvt Ltd.



Mr. Faiz Ur Rahman, Manager IP, Wipro Technologies Ltd.



Mr. Nicholas G. de la Torre, Partner, Brinks Hofer Gilson and Lione, USA



Mr. Lakshmi Narayanan R, IPR Specialist, Nokia India Pvt Ltd.



Mr. Lokesh V, Founder and CEO, Innomantra Consulting



Dr. Balu Gupta, Vice President-Patent Estate, Dr. Reddy's Laboratories



Mr. Sunil Abraham, Executive Director, Centre for Internet and Society



Mr. Richard Baddeley, Principal, Watermark, Australia



Mr. Raghu Krishnapuram, Associate Director, Solutions IBM Research, India



Mr. Vijay Nasare, General Manager-IP, Glenmark Generics Ltd.



Mr. Stephen Mathias, Partner, Kochhar & Co.



Dr. Ajay Singhal, Head-IP, Thermax Limited



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Mr. Dinesh Pillai, CEO, Mahindra Special Services Group



Dr. A. S. Narayan, Patents Manager, Hindustan Unilever Ltd.



Mr. Murthy Kotra, General Manager, Technical Information Services; Dow Chemical International Pvt Ltd



Dr. Raghunath Vajjala, Research IP Analyst, GE India Technology Centre



Mr. Hasit Seth, Director, Cofluence



Mr. Arun Bharadwaj, Director, Business Development, Dell Global



Mr. Manish Mehta, Partner, Brinks Hofer Gilson & Lione, USA



Mr. Paul Teng, Partner, Cooper and Dunham LLP, USA



Dr. Vijay Paranjape, IP, Patent Scientist, Monsanto Research Centre



Mr. Ben Adams Director-Legal and Intellectual Property, Nokia



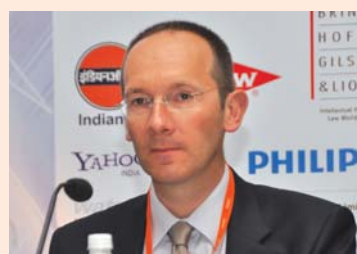
Mr. Neeraj Panchal, Senior Manager, IP, John Deree



Mr. Anup Kacker, General Manager (IP), Indian Oil Corporation Ltd.



Mr. Rana Gosain, Senior Partner, Daniel Advogados, Brazil



Mr. Nick Lee, Partner, Kilburn and Strode LLP, UK



Mr. Navneet Bhushan, Founder Director, Crafitti Consulting Pvt. Ltd.



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Mr. Ralph J Gabric, Partner, Brinks Hofer Gilson & Lione, USA



Mr. Ravi Srinivasan, Partner, JA Kemp & Co, UK



Navin Agarwal, Chief Conference Coordinator, busy at reception desk



Global IP Convention 2011 hall 1 during a session



A cross section of the Audience in GIPC 2011



A Cross Section of the audience during GIPC 2011



Group Photo with all the speakers and delegates

EVENT AT ITAG

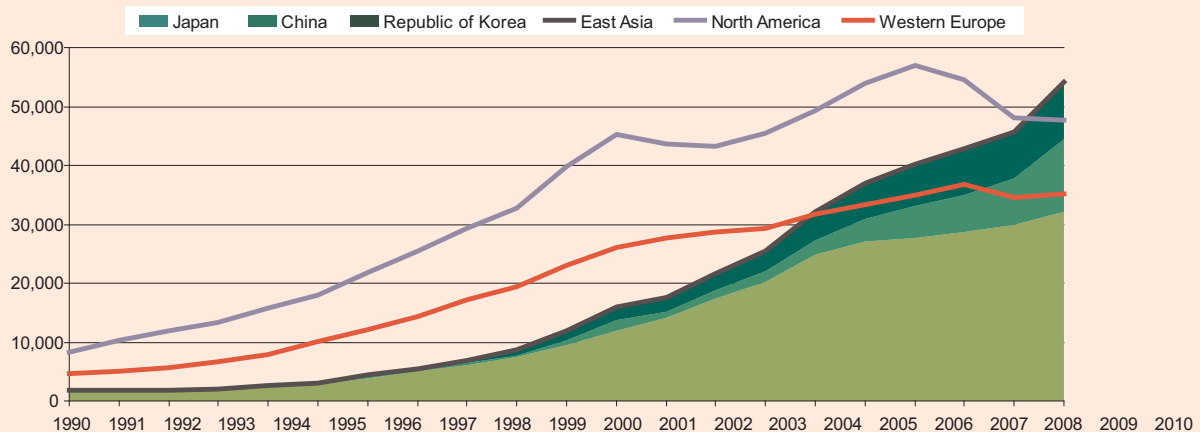
ITAG Team organised an IP awareness program on the World IP Day on 26th April 2011 and presented the following logo for the third consecutive year to WIPO which has been placed on their IP Day Gallery section of website. The Poster can be viewed at the following link: <http://www.wipo.int/ip-outreach/en/ipday/posters.html>



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SNAPSHOT

PCT filing trends



Source: WIPO Statistics Database



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