

NEWSLETTER

ITAG BUSINESS SOLUTIONS LTD.

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“ Design is not just what it looks like. Design is how it works. - Steve Jobs (1955-2011) ”



GLOBAL IP CONVENTION 2012
5-8 January 2012, Indian Habitat Center, New Dehi

DIRECTOR'S MESSAGE



ITAG is organizing Global IP Convention (GIPC 2012) on 5-8th January 2012 at India Habitat Centre, New Delhi which will attract chieftains of the Intellectual Property Rights from all over the globe. The details are

provided on our website www.iprconference.com for online sponsorship and registration. This is our 4th International Conference after the overwhelming success of the earlier three, two of which were organised at Banagalore.

ITAG has become a buzzword in the IP management field in a period of less than five years because of its quality and standards in providing unique services in IP accounting, valuation, taxation, commercialization and due diligence apart from the registration and conventional services of search, analysis, prosecution, litigation etc. We are the pioneer in India in IP Management with a holistic approach covering A-Z of IP services at single window.

ITAG provides one stop solution for all types

of IP services including legal opinion, drafting licenses for technology transfer, setting up of IP Cell, developing IP Manual and helping the organization to frame its IP policies. IP collateralization and IP Securitization -are the innovative field whereby we help our client through various IP financing modules for leveraging and optimizing the value of their IPs imbedded and enshrined in their brands, copy rights and the patented technologies.

ITAG's clients are spread across the world and we render assured services for registration and prosecutions through our reputed associates and strategic partners. IP awareness and training is at the core of our company and we provide excellent training modules for the scientists at the R & D Centres and advise them to conduct research only in the area which help organization to maintain its competitive strength in the global market I-TAG believes that Innovation and Ideas are at the root of success of any organization be it business, social or political. Let us wear the TAG of "I" in this era of innovation and Technology and be a successful entity.

- Dr. D. R. Agarwal

IPR NEWS - INDIA

AUROBINDO PHARMA OBTAINS LICENSE FOR AIDS DRUG

Aurobindo Pharma became the first major generic drug maker to join a patent pool designed to make cheap HIV/AIDS medicines accessible to the poor in many countries. The company obtained royalty-free license for five AIDS medicines through an agreement with the Medicines Patent Pool.

Aurobindo Pharma would sell these medicines in 18 developing countries at cheaper prices. The Geneva-based Medicines Patent Pool had procured the production licenses' for these products from Gilead Sciences. The Medicines Patent Pool was launched in 2006 by UNITAID, a health financing system funded by the governments of Brazil, Chile, France, Norway and the United Kingdom to

provide extra funding for the fight against HIV/AIDS, malaria and tuberculosis.

The Pool persuades the patent holder of a given medicine to voluntarily share their patents and allow another drug manufacturer to produce and sell generic versions of the medicine in developing countries.

Aurobindo has also chosen to sell tenofovir to several

“ Discovery consists of seeing what everybody has seen and thinking what nobody has thought.-- Albert von Szent-Gyorgy ”

middle-income countries including Argentina, Brazil, Chile, Colombia, Malaysia, the Philippines, Ukraine and Uruguay, without paying royalties.

DUNLOP INDIA TRANSFERS TRADEMARK RIGHTS TO RUIA SONS

Dunlop India, the Kolkata-based tyre manufacturer has signed an agreement with Ruia Sons Private Limited, the flagship holding firm of Pawan Kumar Ruia to transfer its rights to nearly 100 trademarks including Dunlop Tyre, Falcon Tyre and Monotona.

Dunlop would file an application with the trademark office for the transfer of the trademarks to Ruia Sons'. Dunlop's right to these trademarks are restricted only to India. Ruia had acquired Dunlop from Jumbo Group in 2005 for an undisclosed amount.

Almost all of Dunlop's fixed

assets and 87.98 percent of the Ruia Group's shares in the firm were mortgaged and recently Dunlop suspended functioning of its Sahaganj factory. The West Bengal State Electricity Distribution Co Ltd has also stopped supplying electricity to the factory.

REAL ESTATE DEVELOPER WINS FIGHT OVER BRAND NAME IN BOMBAY HIGH COURT

Mumbai based real estate developer Ekta Housing Pvt Ltd had filed an infringement petition in the Bombay High Court alleging that another developer by the name Ekakta group was using the established brand Ekta and is constructing an 'Ekta residency project' on Mumbra-Panvel Road, to cash in on Ekta's name and goodwill. Ekta has also sought Rs 50 crore as damages.

The Bombay high court has restrained the "namesake" Ekakta group from using the

'Ekta' name pending final orders in an infringement and passing off suit filed against it. The judge did not grant an injunction on the basis of infringement as the mark "Ekakta Infrastructure" was also registered, and observed that Ekta Housing has made out more than just a strong prima facie case of passing off and has given time till November 15 to change its name.

Using of a product name that is similar to a well-known product or service is considered as passing off. Ekta trademark was conceived and adopted in 1985 whereas Ekakta group was originally registered as Yamaha Realtors Pvt Ltd. and the trading name was changed to Ekakta real estate Pvt Ltd in June 2008. Ekakta group opposed the suit on grounds of delay, which the HC disapproved with and observed that Ekakta group made an attempt to take advantage of the reputation and goodwill developed by Ekta Housing.

IPR NEWS - WORLD

COPYRIGHT FILED FOR STEVE JOBS MEMORIAL IMAGE

An image of Apple Inc. founder Steve Jobs has been registered by its designer, Farzin Adeli, a Los Angeles based graphic designer. This design was extensively circulated over the Internet after Jobs' death from pancreatic cancer on Oct. 5.

The artist had designed the image of the Apple logo as a black figure with a white background with Steve Jobs' side view sketch taking the place of the symbolic bite from Apple Inc.'s logo. He filed an application to register the copyright the day after he created the image, and intend to use his work to promote research on pancreatic cancer

as he had lost his grandfather to pancreatic cancer like Jobs.

Adeli also an entrepreneur is selling products bearing the image on EBay Inc.'s auction website and has raised more than \$200 till now. He is also working with some lawyers to trademark the image.

EU GRANTS GI TO SOMERSET CIDER BRANDY

Somerset Cider Brandy Company's Somerset Cider Brandy has been conferred the Protected Geographical Indication (PGI) by the EU. The Cider Brandy distilling company, the WSTA and the Government's Department for Food and Rural Affairs, had toil collectively to achieve this status for Somerset Cider

Brandy under the EU's wine and spirit regulations. The future potential of an industry that contributes more than £4m to Somerset's economy would be protected with this PGI status.

Somerset Cider Brandy Company is one of the largest of three producers in the County. Somerset Cider Brandy, a spirit made from Somerset apples had been under threat and had been omitted from an approved product list by officials in Brussels as some Spanish producers argued that the absence of grapes from cider brandy meant it should be kept off the approved list.

Somerset Cider Brandy now is enlisted with other European food and drink products such

as Melton Mowbray Pork Pie, Dorset Blue Cheese and Arbroath Smokies. Forty varieties of apples are used in preparing the brandy that is matured in oak barrels from which the unique flavor is absorbed.

FREE SEARCH SITE LAUNCHED BY UK PATENT OFFICE

The Intellectual Property Office

(IPO) has launched a new online service called Ipsum. This would permit users to obtain patent documents free of cost. A £5 application fee was being levied earlier.

According to the Department of Business, Innovation and Skills, this service could save UK businesses nearly £100,000 a year. Ipsum is updated in real time making the latest information on

patent applications.

Ipsum is open to all interested in IP rights, including Patent examiners around the world and potential investors to understand particular patent applications. As this service is free it removes unnecessary costs for businesses and the huge backlog of worldwide applications profiting UK business could be reduced to large extent.

GLIMPSES OF JUDGMENT ON IPR

FOOTBALL DATACO LTD V SPORTRADAR (2011) EWCA CIV 330

FACTS:

The claim was brought by Football Dataco Ltd; a company partly owned by The Football Association Premier League Limited which collects and transmits information on football matches. Sportradar is the defendant to the claim and consists of a group of companies providing competitor service detailing live scores, results and other statistics over the internet.

Football Dataco alleged that Sportradar had infringed its copyright and database rights by copying its statistics.

ISSUE:

Whether infringement takes place at the place where the information is stored on servers or where it is accessed.

JUDGEMENT:

The Court of Appeal

acknowledged the difficulty in determining a view on this case and has referred the case to the European Court of Justice to determine whether Directive 96/9/EC ("the Database Directive") should be construed so that infringement occurs in the country where the information is hosted, the country where the information is accessed, or both.

LATEST ON IP

Drug Patent Expirations for the week of October 23, 2011

Tradename	Applicant	Generic Name	Patent Number	Expired on
ZYPREXA ZYDIS	Lilly	olanzapine	5,229,382*PED	Oct 23, 2011
ZYPREXA	Lilly	olanzapine	5,817,657*PED	Oct 23, 2011
ZYPREXA RELPREVV	Eli Lilly Co	olanzapine pamoate	5,229,382*PED	Oct 23, 2011
SYMBYAX	Lilly	fluoxetine hydrochloride; olanzapine	5,229,382*PED	Oct 23, 2011

Olanzapine, olanzapine pamoate by the Tradename ZYPREXA ZYDIS, ZYPREXA expired on 23rd October 2011. Now these drugs are in public domain and can be used for medication.

EVENTS AT ITAG

Presentation on IP Management at Reliance Industries Ltd, 2011

Dr. D.R. Agarwal, Director, ITAG Business Solutions Ltd. on 3rd August 2011, gave a presentation at Reliance Industries Ltd on issues related to IP financing, IP commercialization, IP financing including IP valuation, and securitization of IP assets. The presentations also highlighted IP collateralization and IP taxation issues in IP

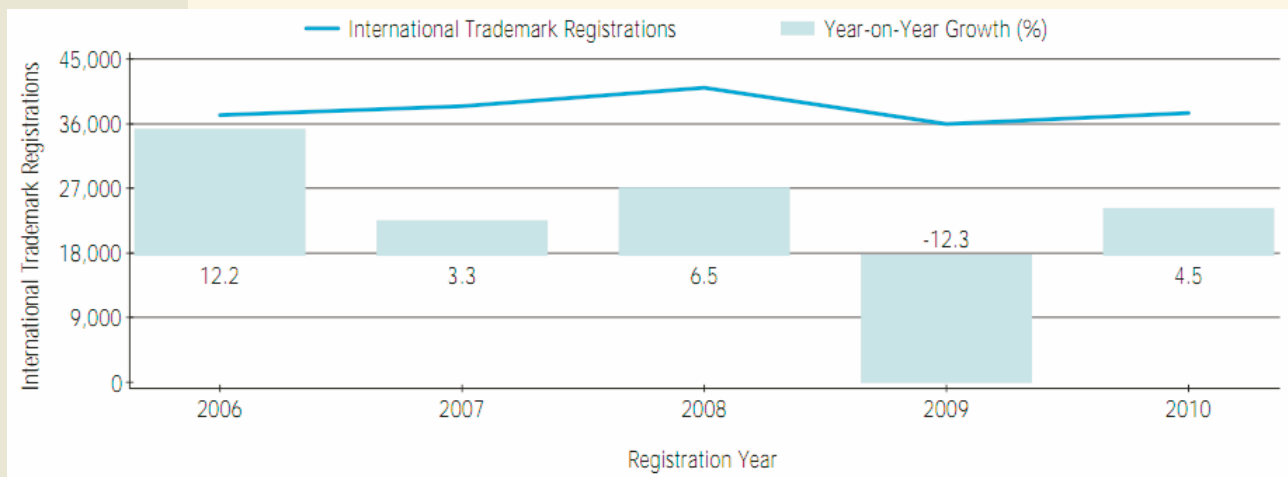


management. The important aspects of the above mentioned IP management tools in leveraging innovation and maintaining a sustained

economic growth were focused taking the opportunity to discuss the working strategies followed at ITAG for the above mentioned procedures.

SNAPSHOT

Trend in Madrid System International Registration (2006-2010)



Source: WIPO IP Facts and Figures 2011



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