



A BULLETIN
FROM
TIFAC

INTELLECTUAL PROPERTY RIGHTS (IPR)

VOL 10, NO. 4, April 2004

Some operational aspects of managing Geographical Indications

The General Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) brought the protection of geographical indications (GI) to the forefront of IPR. Developing countries have seen a large potential in this form of IPR due to their being cradle of many old civilizations which have survived for centuries. New opportunities exist in India as we now have a legislation in place for protecting GIs. The Indian system has been explained in the IPR Bulletin from time to time. We still do not have operational experience of implementing the Act as the first application seeking GI in respect of Darjeeling tea is pending with the Registrar of GI. There is a lot to be understood from the experience of other countries by the regulators, scientists, farmers, artisans, government officials and departments.

French Practice

France is the leader in providing GI protection to wines produced in France especially Champagne. One of the most important features of the French system is that the champagne production is regulated through a government decree that lays down the wine growing and wine making criteria which are necessarily to be met to benefit from the Champagne appellation. What it really means is that certain quality standards and uniqueness basis have to be maintained to get the benefits.

As is commonly understood that a GI prohibits others from copying and falsifying your GI. Champagne faced many cases where other wines started using the name Champagne in spite of the fact that such wines were not produced in the Champagne Region of France. France won a case in the United Kingdom in 1950s when a wine made in Spain started appearing

in the UK markets as "Spanish Champagne". The UK court ordered the Spanish company to drop the word Champagne from the product. The judgment was given on December 16, 1960. The Spanish company coined other GI called CAVA which has its own story of success. Interestingly, Champagne did not get an automatic protection in other countries including those in Europe. France had to sign bilateral treaties and private agreements with many countries and industries to avoid unfair use of the appellation. These countries are UK, Spain, New Zealand, Japan and Australia. Champagne has also been treated as trademark by some courts. There was a decision in a German court which did not allow the use of name Champagne even for non alcoholic drinks like mineral water.

What has been done to define Champagne? Just saying that a product has been known for a long time, one cannot expect to obtain a GI. A great deal of home work needs to be done for convincing the authority awarding GI. In case of Champagne following steps were taken to mark the geographical location:-

1. A region clearly defined is in the north east of France
2. The wine growing area occupies about 31,000ha.
3. Only three varieties are produced namely, pinot noir, pinot meunier and charonnay.
4. It represents about 15000 growers and 200 houses. (The roles of growers and houses are clearly marked).
5. An annual sale of about 280 billion in more than 150 countries; the estimated sale is about 1.5 billion euro.

Swiss System

Protection of GI and appellation of origin are covered under the Swiss law on Improvement of

Contd on...2

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Contd from...1

Some operational

Agriculture and Preservation of Farming Populations. The objective is to create a register for geographical names designating agricultural products – natural or processed (including spirits). Products included are milk products, meat including preserved meat, smoked products, fruits, vegetables and bakery products. Switzerland did not have an effective system to protect geographic names until the above law was put in place. Emmental cheese, a product from Switzerland has been imitated widely and this could not be stopped in the absence of a domestic law for protection of GI.

The Swiss law requires a clear definition of the product and that the method of obtaining the product should be described and the limit of the geographical area should be stated in a specification. All fabrication steps namely, production, processing and preparation, must occur in the designated area. The task of controlling the quality and uniqueness is entrusted to a certification body which exercises control during production, processing and preparation of the product. This body in Switzerland is Accreditation and Designation of Test Laboratories and Body for Conformity Assessment. It has also been recognized that traditional methods for production of such products may be more costly. In order to compete effectively against cheaper products – often their own imitations, the market should be made aware of their origin, uniqueness and specificity. The regulations also impose certain transparent and fairer competition rules.

Australian System

The Australian system has been developed around wines. Prior to 1993 Australia did not have any law which recognized geographical indications as a protectable property.

This aspect was introduced as an amendment to the Australian Wine & Brandy Corporation Act. The Act established the GI Committee as the authority responsible for registering GIs and created the Register of Protected Names for recording the names of protected GIs. The regulations spell out a number of factors that must be taken into account in dealing with a GI application. These factors are history of the product, process etc, geology, climate, harvest dates, drainage, water availability, elevation and traditional use of the area and name. The Australian approach is different from others in the sense that it does not insist on quality or characteristics of the product after a geographical area has been identified in respect of the product. It is assumed that the concerned product will have the desired quality if it comes from the specified geographical location. Take for example the concept of region associated with a wine. A region is defined as a single tract of land that is discrete and homogenous in its grape growing attributes to a degree that is measurable and usually produces at least 500 wine grape vineyards of at least 5 hectares each that do not have any common ownership.

US Practice

A formal wine appellation system was adopted in the USA in 1978 and the agency implementing the act is Alcohol and Tobacco Tax and Trade Bureau (TTB). The multi-tiered framework consists of various types of appellations. Each appellation can be used as a label if the prescribed percentage of grapes from that area is used to make a particular wine. (The concept of labeling has been continuing from 1938. American wine producers had the right to mention on their labels geographic origin of the grapes used for making the wine.) TTB stipulates that 75% of the wine

bearing such an appellation had to be derived from grapes grown in the named state or country. Places which were not defined earlier, TTB has established a new type of appellation known as American Viticultural Area (AVA) which is a delimited grape growing area distinguished by geographical features. An AVA can be used as a label if at least 85% of the wine is made from grapes grown inside that AVA. As AVA did not exist before 1978, TTB has laid down criteria for establishing an AVA:-

1. Evidence that the name of the viticultural area is locally and/or nationally known as referring to the proposed area;
2. Historical or current evidence in support of the boundaries of the AVA;
3. Evidence to the geographical features, such as climate, soil and topography, which distinguish the AVA from the surrounding areas; and
4. The specific boundaries of the area.

US wine appellation system only calls for indication of the origin of grapes used for making the wine and do not imply any quality controls. It can be observed that none of the criteria for establishing an AVA refers to taste, character or quality of wine and there is no organoleptic aspect of the US appellation system. Further there is no attempt to control grape varieties or viticultural practices through appellation system.

India as compared to most of the countries mentioned above has a large number of items, which may qualify for GIs. India is not limited by any one product like wine. It is observed that each country has evolved its own way to grant GI or geographical appellation. Most importantly, some countries don't insist on defining the quality of these products. The fact that the

Contd on...3

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Contd from...2

Some operational

product has been grown in that area is a good enough reason for grant of a GI. The reason for this would be that a GI helps the producers commercially in gaining a good brand value and therefore it would be in their interest to ensure that the quality of the product is maintained or else the market preference will change. In other words the responsibility of maintaining the quality is being left on the producers. We have just started implementing the GI Act and ways will have to be found out to implement the Act for the benefit of those who have continued to preserve and produce traditional products. It can also be seen that the French model has not been followed by other countries. Therefore, while implementing the GI Act, there is a need to be practical and reasonable otherwise the Act will have very little meaning for the beneficiaries. Extreme caution is to be exercised while laying down requirements to be satisfied before a GI is granted.

Case Study

An Advanced DNA Fingerprinting Technology

DNA fingerprinting refers to the characterization of either similarities of one or more distinctive features in the genetic make up or genome of an individual, a variety or race, or a species. The differences in DNA fingerprints are referred to as DNA polymorphisms and the distinct DNA fragments can be used as DNA markers. DNA polymorphisms can be used as genetic markers in much the same way as other genetic markers: in parentage analysis, in genetic

studies on the inheritance of traits, or in the identification of individuals.

The case study relates to method for DNA fingerprinting and for detecting specific DNA markers in genomes ranging from microorganisms to higher plants, animals and humans. The invention also relates to synthetic DNA molecules and products based thereon which are used in the methods of the invention in the different fields of application. The invention was patented in USPTO by Zabeau et al on April 4, 2000 (US Pat No. 6,045,994).

DNA fingerprinting is carried out using different techniques of which RFLP is most common. This technique is time consuming and requires probe DNA sequence. The use of PCR technique for fingerprinting is limited due to the requirement of prior sequence information for designing of primers. The use of random primers as in RAPD technique does not yield reproducible fingerprint patterns. The present invention overcomes all the above mentioned problems and describes a much advanced DNA fingerprinting method.

Definitions

In the description, a number of scientific terms are used and in order to provide a clear and consistent understanding of the specification and claims, the following terms are defined:

Restriction Endonuclease: These are enzymes which recognize short nucleotide sequences, usually 4 to 8 bases in length and cleave the two DNA strands, thereby producing fragments of DNA of discrete length. Because of their high degree of sequence specificity, restriction endonucleases will cleave DNA molecules in a very specific fashion. The result is that a reproducible set of DNA fragments will be produced. DNA fragments can be fractionated according to their length on porous

matrices, or gels, yielding typical banding patterns, which constitutes a DNA fingerprint of the organism's genetic makeup.

Restriction Fragments: The DNA molecules produced by digestion with a restriction endonuclease are referred to as restriction fragments. Any given genome will be digested by a particular restriction endonuclease into a discrete set of restriction fragments. The DNA fragments that result from restriction endonuclease cleavage are separated and detected by gel electrophoresis.

Restriction Fragment Length Polymorphism (RFLP): The genomic DNA of two closely related organisms, for example, will exhibit differences in their nucleotide sequence composition at many sites. When these differences occur in the target site for a restriction endonuclease, the modified-target site will not be cleaved at that point. Likewise, a nucleotide sequence variation may introduce a novel target site where none exists in the other organism, causing the DNA to be cut by the restriction enzyme at that point. Alternatively, insertions or deletions of nucleotides occurring in one organism between two target sites for a restriction endonuclease will modify the distance between those target sites. Because of this, digestion of the two organism's DNA will produce restriction fragments having different lengths. A polymorphism in the length of restriction fragments produced by digestion of the DNA of the two organisms will result. The southern hybridization technique is used for detecting polymorphisms in these restriction fragments using specific probes.

Gel Electrophoresis: To detect restriction fragments, analytical method for fractionating double-stranded DNA molecules on the basis of size is required. The most

Contd on...4

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Contd from...3

Case Study

commonly used technique for achieving such fractionation is gel electrophoresis.

Synthetic oligonucleotides:

These are single-stranded DNA molecules having preferably from almost 10 to almost 50 bases, which can be synthesized chemically.

Ligation: The enzymatic reaction catalyzed by the enzyme ligase in which two double-stranded DNA molecules are covalently joined together is referred to as ligation.

Adaptors: These are short double-stranded DNA molecules, with a limited number of base pairs, e.g. 10 to 30 base pairs long, which are designed in such a way that they can be ligated to the ends of restriction fragments.

Polymerase Chain Reaction (PCR):

The enzymatic reaction in which DNA fragments are synthesized from a substrate DNA *in vitro* is referred to as PCR. The reaction involves the use of two synthetic oligonucleotides called primers, which are complementary to nucleotide sequences in DNA molecules which are separated by a short distance of a few hundred to a few thousand base pairs, and the use of a thermostable DNA polymerase. The simultaneous amplification of several different fragments is referred to as multiplex PCR.

DNA Amplification: The term DNA amplification is used to denote the synthesis of double-stranded DNA molecules *in vitro* using Polymerase Chain Reaction (PCR). The products of the PCR reaction are referred to as amplified DNA fragments.

Present Invention

1. The invention relates more particularly to a process and means which enable the

polymerase chain reaction (PCR) be applicable to the detection of restriction fragment polymorphisms (RFPs) including length polymorphisms.

2. PCR amplification of restriction fragments no matter whether one knows the nucleotide sequence of the ends of the restriction fragments or not, can be achieved according to the invention.

3. The present invention defines specifically designed primers and specific methods to direct the PCR amplification reaction in such a way that a controlled amplification is possible and in a particular embodiment of the invention, in such a way that only a small subset of tagged restriction fragments is amplified.

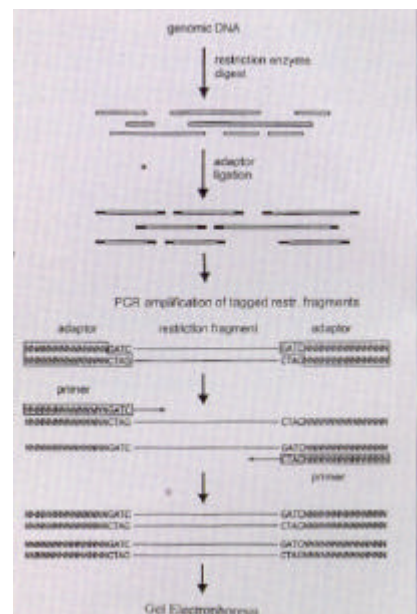
4. The present invention also provides specific PCR primers which comprise a constant nucleotide sequence part and a variable sequence part. The selection of the tagged restriction fragments is determined by the number of nucleotides residing in the variable sequence part of the primer: the selectivity of the primers increases with the number of nucleotides in the variable (selected) sequence part.

5. The underlying principle of the invention is that in each Amplified Restriction Fragment two nucleotide sequences are detected which are separated from each other by a given distance. Each of the two nucleotide sequences is composed of two parts: (a) the target site for the restriction endonuclease and (b) the nucleotide sequence adjacent to the target site which is included in the selective primer.

6. The method of the invention provides a far superior method for multiplex PCR.

Description of Invention

This invention comprises methods for detecting RFPs, synthetic oligonucleotides for use in the methods of the invention, kits comprising means for detecting RFPs, and applications of the methods and procedures of the invention for plant and animal breeding, diagnostics of genetically inherited diseases, identification of organisms, and forensic typing, etc. The general method for production and for identification of restriction fragments involves the use of restriction endonucleases,



ligation of synthetic oligonucleotides to the restriction fragments, and PCR amplification of restriction fragments.

The Figure 1 depicts the steps of the method of the invention which is described herein. The restriction endonucleases cleave genomic DNA molecules at specific sites, target sites, thereby generating restriction fragments. PCR amplification of restriction fragments is carried out by first ligating synthetic oligonucleotides (adaptors) to the ends of restriction fragments, thus providing each restriction fragment with two common tags which will serve as

Contd on...5

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Contd from...4

Case Study

a anchor base for the primers used in PCR amplification. For each type of restriction fragment, specific adaptors are used, which differ in one of the ends so as to allow the adaptor to be ligated to the restriction fragment. Using the enzyme ligase the adaptors are ligated to the mixture of restriction fragments. The adaptors can now serve as templates for the primers used in the subsequent PCR amplification reaction. In one of the embodiments of the invention, the restriction fragment carries the same adaptor at both of its ends and a single PCR primer can be used to amplify the restriction fragment. In another embodiment using two different restriction enzymes to cleave the DNA, two different adaptors are ligated to the ends of the restriction fragments. In this case two different PCR primers can be used to amplify such restriction fragments. This step reduces the complexity of the starting mixture of restriction fragments and constitutes an enrichment step prior to the PCR amplification, thereby reducing in certain instances the background.

The genome sizes of organisms vary widely from a few million base pairs in the case of microorganisms to several billion base pairs for animals and plants. Hence, the number of restriction fragments obtained after cleaving genomic DNA molecules with a restriction enzyme can vary from a few hundred to several million. Generally, the number of restriction fragments is so large that it is not possible to identify individual restriction fragments in genomic DNA digests fractionated by gel electrophoresis. Such digests usually produce a smear of bands. PCR amplification of tagged restriction fragments thus also produce a smear of bands since all fragments co-amplify

synchronously in the PCR reaction. In a preferred embodiment of the invention applicable to genomic DNAs of large sizes, a general principle is used to limit the number of restriction fragments which are to be amplified. This is done by preselecting a subset of tagged restriction fragments so that only a relatively small number of tagged restriction fragments will be amplified during the PCR amplification reaction.

The present invention also provides specific PCR primers which comprise a constant nucleotide sequence part and a variable sequence part. In the constant sequence part the nucleotide sequence is designed so that the primer will perfectly base pair with the constant DNA sequence of one of the DNA strands at the end of the restriction fragment. The variable sequence part comprises a randomly chosen nucleotide sequence ranging from 1 to 10 bases chosen. It is the addition of these variable (selected) sequences to the '3 end of the primers which will direct the preselection of tagged restriction fragments which will be amplified in the PCR step. The term selective bases is used to denote the nucleotides in the variable sequence part thus showing that the selection of these bases renders the primer selective. It must be realized that a tagged restriction fragment will only be amplified when the selective bases of the primers used recognize both complementary sequences at the ends of the fragment. When the primer matches with only one end, the amplification will be linear rather than exponential, and the product will remain undetected. In a preferred embodiment, the number of selective nucleotides is chosen so that the number of restriction fragments which will be amplified is limited to 5 to 200.

The PCR products obtained in accordance with the invention can be identified using standard fractionation methods for separating DNA molecules according to size followed by staining of the DNA molecules with appropriate agents. Alternatively, the primers used for the PCR amplification can be tagged with a suitable radio-active labelled or fluorescent chromophore thus allowing the identification of the reaction products after size fractionation. The PCR products are denoted by the term Amplified Restriction Fragments (ARF). Different sets of ARFs are obtained with each different selective primer in the PCR amplification reaction. The patterns of ARFs identified after separation constitute unique and perfectly reproducible fingerprints of the genomic DNA.

Example

The patent application explains the working of the invention using six examples which were described

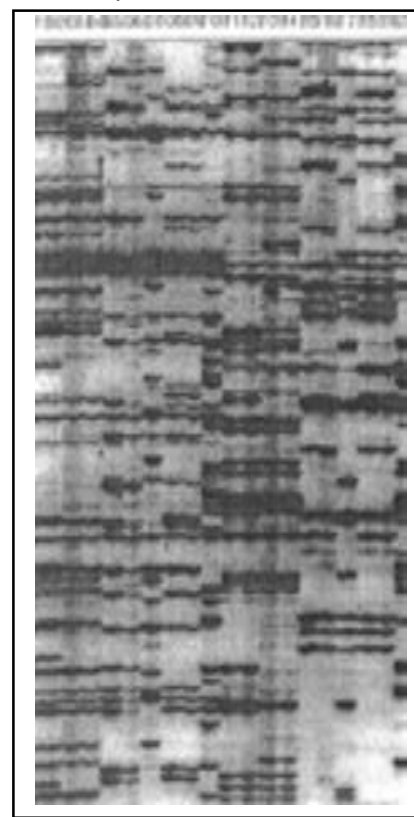


Fig. (2) *Contd on...6*

Contd from...5

Case Study

amplification of DNA of various *Lactuca* species with two restriction enzymes. In brief, the genomic DNA of various *Lactuca* species was isolated, digested with PstI and MseI restriction enzymes and compatible adaptors were ligated. The DNAs prepared were used as templates for AFLP reactions. Two primer combinations were used employing a single MseI-primer and two different PstI-primers. The generated fragments were visualized on denaturing polyacrylamide gels. The band patterns obtained are shown in Figure 2.

Applications

The present invention provides a general method for isolating DNA markers from any genome and for using such DNA markers in all possible applications of DNA fingerprinting.

A particular application of the present invention involves the screening and identification of Restriction Fragment Polymorphisms (RFP). the method of the present invention constitutes a far superior method for detecting RFPs than the RFLP technique. According to the method of the present invention, the analysis of ARF patterns can be used to define the genetic linkage of polymorphic ARFs with specific genetic traits. Such polymorphic ARFs are also referred as Amplified Fragment Length Polymorphisms (AFLPs) and this term has become widely accepted.

Another application of the present invention involves the detection of AFLPs linked to specific genetic traits. The application involves the analysis of ARF patterns of closely related individuals exhibiting differences in the specific genetic trait and the use of analysis techniques that can find correlations between the inheritance of one or

more AFLPs and the phenotype exhibited by the specific genetic traits. The methods of the present invention in essence overcomes the limitations of multiplex PCR, because all the primers used in the present invention have a substantial part of their nucleotide sequence in common.

Claims

The patent document contains 30 claims and several subclaims, the main ones being:

1. Process for amplification of at least one restriction fragment from a target DNA regardless of whether its nucleotide sequence is unknown, which process comprises:
 - (a) digesting said target DNA with at least one specific restriction endonuclease to fragment it into restriction fragments;
 - (b) ligating to the restriction fragments obtained from the target DNA at least one double-stranded synthetic oligonucleotide adaptor having one end which is compatible to be ligated to one or both of the ends of the restriction fragments to thereby produce tagged restriction fragments of the target DNA;
 - (c) contacting said tagged restriction fragments under hybridizing conditions with at least one oligonucleotide primer;
 - (e) amplifying or elongating said tagged restriction fragments using said at least one oligonucleotide primer in the presence of the required nucleotides and DNA polymerase.
2. A process as claimed in claim 1 wherein said target DNA is genomic DNA from a biological sample of an organism selected from a group consisting of a

human, an animal, a plant and a microorganism.

3. A method for detecting similarities between plant or animal varieties, species, cultivars, microorganisms, or for evaluating genetic diversity and characterizing such plant or animal varieties, species, cultivars, microorganisms
4. A process for amplification of at least one restriction fragment from a target DNA regardless of whether its nucleotide sequence is unknown isolating at least one amplified or elongated DNA fragment; (h) designing oligonucleotide primers having a nucleotide sequence according to the at least one oligonucleotide primer of step (d) wherein the selected nucleotide sequence comprises nucleotide residues which correspond to the first 8-10 nucleotide residues internally adjacent to the restriction sites at both ends of said DNA fragment.
5. Process for the amplification of at least one DNA fragment according to claim 11, which process comprises an additional amplification step of said DNA fragment in the presence of oligonucleotide primers designed according to step (h) of claim 11.

The thirty claims were drafted to protect every possible feature of the DNA fingerprinting technique which included besides those mentioned above the length of the adaptor, the number of selective bases of the primers, the use of genomic DNA or complete organism as starting DNA and all possible utilities of the technique.

Case Law

Copyright of re-recorded copy?

An interesting case between Super Cassette Industries (plaintiff) and Bathla Cassette Industries Pvt. Ltd (defendant) was decided in the Delhi High Court on September 9, 2003 wherein the court had to decide on the rights of a party to make "version recordings".

In the present case law, the plaintiff, Super Cassettes Industries, is a producer and marketer of pre-recorded audio cassettes and other records which it sells under the mark/logo T-series. The plaintiff produced a compilation of old well known Hindi songs under the title "Yadein" Vol I and Vol II. The compilation was a "version recording" i.e. re-recording of the original work. The specific dispute in this case is over a song "*chalo dildar chalo*" from the Hindi film 'Pakeezah'. In this case the plaintiff has created a "version recording" of this song by engaging music conductors, musicians, singers to create original musical track of the existing musical work. This act of sound recording was carried out legally under the Section 52 (1) (j) of the Indian Copyright Act.

Section 52 of the Indian Copyright Act contains 'fair use' provisions and the subsection 1, clause j, provides for a statutory license to a person desirous of making a sound recording of an existing musical work by engaging independent artist to create the same music and use identical lyrics provided the "version recording" is made after two years of the original sound recording.

In addition, following conditions laid down by Section 52(1)(j) of the Copyright Act have to be satisfied.

(1) no alterations or omissions shall be made without the consent of the owner other than those which are reasonably necessary for adaptation of the work.

(2) "version recording" shall not be sold in the packaging or with any label which is likely to mislead or confuse the public as to its identity.

(3) notice has been given to the owner of original work in the prescribed manner along with copies of covers or labels with which the sound recording are to be sold.

(4) royalties in respect of sound recording has been paid to the original owner at the rate fixed by the Copyright Board.

The above mentioned conditions were introduced in 1995.

The plaintiff had produced the song under the provisions of Section 52 (1) (j) of the Copyright Act, 1958 and had paid a sum of Rs 400/- to Mahal Pictures, the original owner of the musical work "*chalo dildar chalo*" for producing 10,000 records. The defendants had offered to purchase similar rights under Section 52 (1) (j) in respect of the tapes, Yadein Vol I & II produced by the plaintiff which included the song "*chalo dildar chalo*" from the plaintiff and had accordingly issued a cheque for Rs. 1,000/- as 5% royalty prescribed by the Copyright Board for manufacturing 400 audio cassettes to be sold at Rs. 25/- per cassette. The plaintiff has objected to the defendant's use of its "version recording" of "*chalo dildar chalo*". It has therefore brought this case seeking an injunction restraining the defendant from copying its "version recording" or re-recording of "*chalo dildar chalo*". The dispute centered around the issue of whether there can be an independent right in a "version recording" created under

Section 52(1)(j). Is the defendant guilty of violating copyright of the plaintiff in the "version recording" of "*chalo dildar chalo*" ?

The defendant argued that the plaintiff having admitted that its sound recording was covered under Section 52(1)(j) of the Copyright Act, the same is not an original copyright work but a derivative and therefore cannot be subject matter of copyright. In other words, the defendant's case is that no licence has been granted by the original copyright owner and it is only a work produced by virtue of Section 52(1)(j), which is not entitled to independent protection.

The plaintiff on the other hand argued that it has, by its own labour, invested large amounts of money to encourage young singers. Thus, has used sufficient independent skill and labour to produce the musical work. The record thus produced was a substantially new arrangement and/or necessary adaptation of the existing work. Thus, the plaintiff is the owner of copyright in version sound recording. Therefore, a specific consent or licence should have been sought by the defendant to include the "version recording" of "*chalo dildar chalo*" in the compilation.

The court, after hearing arguments of the parties, held that, as per Section 52(1)(j), the statutory licence to produce "version recording" was available, provided the person producing such recording undertakes not to make any alterations to the work without the consent of the owner other than those which are reasonably necessary for adaptation of the work for the purpose of making the sound recording. This is an essential condition as laid down in Section 52(1)(j), read with Rule 21 of

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the Copyright Rules 1959. The court opined that Rule 21(2)(b) is relevant and indeed significant provision. It requires any person who wishes to act under Section 52(1) to indicate clearly the alteration and omissions, if any, which are proposed to be made for the adaptation. Thus, the plaintiff's case was contrary to its own pleadings. On the one hand it has sought to take shelter under "version recording" provisions laid down under Section 52(1)(j) to avoid a claim of infringement. On the other hand, it has argued that its "version recording" was a substantially new arrangement. The court was of the view that a substantial new arrangement cannot fall within such alterations/omissions which are necessary for adaptation. In other words a substantial new arrangement cannot be created without the original owner's consent.

The court went on to hold that the plaintiff's product is a colourable imitation of the original musical soundtrack with some minor and insignificant variations. This cannot be termed as a substantial new arrangement. The court dismissed the plaintiff's application seeking an interim injunction holding that prima facie there is no merit in the application. The court was of the view that since the plaintiff himself did not have any rights in the law, in what is averred to be his substantially new product, he cannot be heard to protest when such a modus operandi is sought to be applied to him by the defendant.

The above decision had a mixed reaction from right holders and IP practitioners regarding the interpretation of Section 52(1)(j) by the court. An appeal has been filed by the plaintiff and is waiting for hearing in the court.

Litigation Watch

- Indian generic drugmaker Dr Reddy's Laboratories Ltd has withdrawn its challenge to the main US patent on GlaxoSmithKline Plc's anti-nausea drug Zofran. The move means that Dr Reddy's will not attempt to launch a cheap generic version of the product in the United States until after the compound patent expires in July 2005. Zofran, which is widely used to treat cancer patients undergoing chemotherapy, had first-quarter sales of 180 million pounds (\$317 million), of which 132 million was sold in the United States.

(Reuters, 29 April, 04)

- Bayer has sued Indian generic drugmaker to protect its patent on a key antibiotic expected to generate one billion euros (\$1.2 billion) in annual sales. Bayer's legal move came after India's Dr Reddy's Laboratories filed an application with US regulators for permission to sell a generic copy of antibiotic Avelox. Bayer said it had sued Dr Reddy's for infringing its patents on Avelox and would defend its franchise strongly. Reddy's application was a "paragraph IV" filing, which is used when a generic manufacturer claims it is not infringing a drug patent or that the patent is invalid. This would allow the generic drugmaker to start producing its own generic version of the drug within the patent period. The first generic company to file for marketing approval under paragraph IV could win a 180-day period of marketing exclusivity for its version.

(Gulf News, 30 March, 04)

- The software company Tumbleweed had filed a lawsuit against PayPal and eBay for

infringement relating to their claim on personalized email links sent to users of online payment on 5 September 2002. The lawsuit has been dismissed after eBay completed its acquisition of PayPal and agreed with Tumbleweed on a cross-licensing deal.

(Patent World, February 2004)

- Taiwan Semiconductor Manufacturing Co (TSMC) of Taiwan, its North American subsidiary and WaterTech have filed a suit claiming that Semiconductor Manufacturing International Corporation (SMIC) of China and SMIC Americas infringed a number of patents and misappropriated trade secrets from the companies. The complaint asks for injunctive relief and monetary damages.

(Patent World, February 2004)

- The Nizza group filed infringement lawsuits against two domain name companies, Network Solutions and Register.Com, for infringing their patent entitled "a method and system of assigning identical URL and email addresses to members of a group". Nizza was granted the US patent only a week before it filed the lawsuit seeking damages and an injunction against the two companies.

(Patent World, February 2004)

- Japan's Sony Corp filed infringement suit against Eastman Kodak Co in the US for digital camera related ten patents. The move follows a suit filed by Eastman Kodak a month ago against Sony for infringing its ten patents related to digital photography. Sony said its action was not a counter-suit and involved different patents than the suit filed by Kodak.

(The Economic Times, 2 April, 04)

Contd on...9

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Contd from...8

Litigation Watch

- Ranbaxy Pharmaceuticals Inc, Florida, a wholly owned subsidiary of Ranbaxy Laboratories has won a patent infringement suit brought against it by GlaxoSmithKline relating to Ranbaxy's Cefuroxime Axetil product, a generic version of GlaxoSmithKline's antibiotic ceftin. GlaxoSmithKline filed the suit in the US district court of New Jersey in October 2000, and the court granted a preliminary injunction to Ranbaxy from marketing its generic version. In 2001, however, Ranbaxy commercially launched its product after the United States Court of Appeals vacated the preliminary injunction. After a full trial, the district court determined that Ranbaxy's product does not infringe GlaxoSmithKline's patents and Ranbaxy is not required to pay any damages.

(The Telegraph, 9 April, 2004)

- Japanese technology giant Fijitsu Ltd has filed a lawsuit against South Korea's Samsung SPI Co, alleging patent infringement on basic technologies for plasma display panels. In a lawsuit filed in Tokyo against Samsung's Japanese unit marketing panels manufactured by Samsung SDI, Fijitsu was seeking a provisional injunction against the import and sale of these products in Japan. In a lawsuit filed in California against Samsung SDI, and US import and sales unit Samsung Electronics America Inc, Fijitsu was seeking an injunction against import and sale of those products as well as damages for patent infringement. In the suit filed in the United States, Fijitsu claims Samsung SDI infringed 10 patents including technology relating to the displays' colours and the Japanese suit is related to technology to make panels brighter.

(The Economic Times, 8 April, 04)

- Frank Zappa's family has settled its copyright dispute with Quebec furniture and appliance retailer, 'Ameublements Tanguay' after the Federal court of Canada announced the judgment that the Quebec retailer had infringed Mr. Zappa's copyrights and moral rights. The dispute has been going on for nine years, and relates to Ameublements usage of Mr. Zappa's song "Watermelon in Easter Hay" as background music in two television commercials aired in 1995.

(Copyright World, March 2004)

- The British Phonographic Industry (BPI) has agreed an out of court settlement with another internet retailer Play.com. BPI launched legal proceedings late last year after it discovered that the online retailer was sourcing products from outside Europe to sell in the UK. The products had been cleared for sale outside Europe, but by selling them in the UK, the BPI argued that Play.com. was guilty of parallel importing. Play.com has agreed that in future it will only sell CDs purchased in Europe.

(Copyright World, March 2004)

- The SCO group has filed a suit against AutoZone for alleged violation of copyright infringement, in the US district court in Nevada. SCO alleged that AutoZone violated SCO's UNIX copyrights by running versions of the Linux operating system that contain code, structure, sequence and/or organization from SCO's proprietary UNIX System V code. It is seeking injunctive relief to stop further use of copying of the software and damages.

(Copyright World, March 2004)

- Fabian Toader claims to have written the computer code in 2000 while working as a free lancer for Kazaa and is seeking \$25 million in compensation from Sherman

Contd on...16

Domestic News

- Hordes of Indian pharmaceutical companies are either leaping into herbal drugs or planning to do so. With product patent recognition coming into force from 2005 in India, Indian companies are focusing on herbal drugs. Nicholas Piramal, Cipla, Elder Pharma, RPG Life Sciences, Ranbaxy Laboratories, Lupin Labs and Alkem Labs are entering this segment. The herbal medicine market is primarily dominated by Himalaya, Dabur, Charak Pharmaceuticals and a large number of smaller regional companies.

(Business Standard, 29 March, 04)

- The controversy over the song *Noor-ala-noor* of M.F. Hussain's latest film *Meenaxi-a Tale of Three Cities* has boosted the pirated CD market with the demand going beyond the expectations of pirated CD producers. Pirated versions of *Meenaxi* are supposed to be doing great business in Chandni Chowk of Kolkata.

(The Statesman, 23 April, 04)

- The Indian Institute of Chemical Technology (IICT) has filed 62 patents during the financial year 2003-04 of which 44 are overseas patents.

(Business line, 5 April, 04)

- The Enforcement Branch (EB) of Kolkata police seized more than one lakh fake school textbooks of the West Bengal Board of Secondary Education, worth over Rs.30 lakh. The forged textbooks differed from the originals in paper quality, cover page color and lack of corrigenda.

(The Telegraph, 30 March, 04)

Contd on...10

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Patents for Opposition

The following patent applications have been accepted by the Patent Office and published in the Gazette of India. These can now be opposed by filing opposition applications within a period of four months from the dates given. Six digit numbers allotted after acceptance by the Patent Office are given before the applicant names and patent application numbers given in brackets. Names of the branches of the Patent office are denoted in the application number, e.g. 'Bom' for Bombay branch. An opposition application should be submitted at the appropriate office where the concerned application was originally filed.

PATENT APPLICANTS

INVENTION

A. March 6, 2004

192177. Defence Research And Development Organisation Ministry Of Defence Government Of India New Delhi (253/Del/01)	A process for preparation of a radioprotective herbal formulation from podophyllum hexandrum
192178. Ranbaxy Laboratories Ltd, New Delhi (830/Del/01)	Process for the preparation of amorphous form of torasemide
192179. Ranbaxy Laboratories Ltd, New Delhi (879/Del/01)	Process for the purification of cilastatin
192180. Ranbaxy Laboratories Ltd, New Delhi (1002/Del/01)	An improved process for preparation of metformin extended release tablets

B. March 13, 2004

192181. Medtronic Inc, USA (1116/Del/95)	A packaging apparatus
192182. TRW Automotive Electronics Components Gmbh Co Kg, Germany (1653/Del/95)	Switch having a bride member
192183. Sulzer Chemtech Ag, Switzerland (1656/Del/95)	Liquid distributor for columns
192184. Shell Internationale Research Maatschappij B V, The Netherlands (1730/Del/95)	A process for preparing 1 3 alkanediols
192185. Becton Dickinson And Company 1 Becton Drive Frnklin Lakes New Jersey 07417 1880 USA (1759/Del/95)	Device for adjusting the length of a combined spinal epidural needle and method thereof
192186. The Gillette Company, USA (1842/Del/95)	Razor handle
192187. Usinor, Germany (1890/Del/95)	A device for shaping thin metal products and a method for continuously determining the gap between two rolls
192188. Ranbaxy Laboratories Ltd, New Delhi (596/Del/2000)	Process for the preparation of a bioavailable dosage form of isotretinoin
192189. Showa Denko K K, Japan (208/Del/02)	A process for fluorinating a halogenated hydrocarbon
192190. CSIR, Delhi (233/Del/02)	A process for the preparation of clarified papaya juice concentrate
192191. Autonomous Technologies Corporation, USA (625/Del/95)	A laser beam delivery and tracking apparatus

Contd from...9

Domestic News

■ National Council of Educational Research and Training (NCERT) has taken action to tackle its textbook piracy. The books will now find an inclusion of a special water mark of the NCERT logo on each page. NCERT sells close to six crore books each year.

(The Tribune, 21 April, 04)

■ A study by the US based National Bureau of Economic Research (NBER), a private non-profit research organization, suggests a significant price rise of patented drugs post-2005. The prices of cheaper off-patent drugs in the same class are also suspected to increase. The study cites the example of ciprofloxacin where 200-750% price inflation is predicted.

(The Economic Times, 20 April, 04)

■ Pirated VCDs have been seized for recently released Hindi block busters, porn movies and Tamil films by Mumbai, Delhi and Chennai police.

(New Indian Express, 9 April, 04)

■ Nicholas Piramal India's request for grant of exclusive marketing rights (EMR) to Aablaquin has been questioned as it has not received the approval of Drug Controller General of India. Aablaquin, an anti-malaria drug, is a major R&D product of CSIR which has an exclusive agreement with Nicholas Piramal for marketing the drug. Nicholas Piramal is still to answer the Controller's directive pertaining to the novelty aspect of Aablaquin.

(The Economic Times, 17 April, 04)

Contd on...11

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192192. Subroto Ghosh, New Delhi (1085/Del/95)	An abrasive wheel
192193. Standipack Private Limited, New Delhi (1086/Del/95)	A pouch for packaging of mineral oils such as kerosene oil
192194. The Chief Controller Research Development Ministry Of Defence Government Of India New Delhi (1296/Del/95)	A process for the preparation of ready to use engine coolants
192195. Sbl Limited, India (1558/Del/95)	Leak proof insert
192196. Filter Werk Mann Hummel Gmbh, Germany (1705/Del/95)	A fluid filter cartridge
192197. EVC Technology Ag, Switzerland (1819/Del/95)	A method of producing 1,2-dichloroethane edc by oxychlorination of ethylene
192198. E Khashoggi Industries Llc, USA (1823/Del/95)	A method for manufacturing an article having a fibre reinforced starch bound cellular matrix
192199. Totem Co Ltd, Russia (1862/Del/95)	Apparatus for charging shaft furnaces
192200. The Gillette Company, USA (1986/Del/95)	A skin engaging device for use in a wet shaving system
192201. Ausimont S P A, Italy (1825/Cal/96)	A process for obtaining fluoroelastomers having improved thermal resistance at high temperature
192202. Showa Denko K K, Japan (2248/Cal/96)	Process for producing flat heat exchange tubes
192203. Siemens Aktiengesellschaft, Germany (541/Cal/97)	Protection assembly for distribution frame in a telecommunication system
192204. Navin Prakash Malhotra, West Bengal (651/Cal/97)	Razor blade assembly
192205. Aluminium Pechiney, France (1096/Cal/97)	A process for the production of alumina by electrolysis
192206. Engelhard Corporation, USA (1286/Cal/97)	An improved process for preparing an azo pigment
192207. Siemens Aktiengesellschaft, Germany (1297/Cal/97)	Portable data transmission device for contact free transmission of electrical signal or data to a read write station
192208. York International Corporation, USA (585/Cal/98)	A refrigerant recovery system and a method for recovering refrigerant in a refrigeration system
192209. Matsushita Electric Industrial Co Ltd, Japan (596/Cal/98)	An image predictive decoding method
192210. Ethicon Inc, USA (1030/Cal/98)	A method for producing a sterilized article
C. March 20, 2004	
192211. LG Electronics Inc, Republic Of Korea (2020/Cal/96)	Packaging holder device for positioning and protecting a glass tray and rotating ring within a cavity of a microwave oven
192212. Seb S A, France (2196/Cal/96)	A lid with knob
192213. Siemens Aktiengesellschaft, Germany (629/Cal/97)	Bobbin store for textile fibre production plants
192214. Fujitsu General Ltd, Japan (779/Cal/97)	An air conditioner and control method for the same

Contd from... 10

Domestic News

■ The Federation of Indian Chambers of Commerce and Industry's (FICCI) body to fight piracy and counterfeiting, NIPAC (National Initiative Against Piracy and Counterfeiting) has joined hands with the US Chamber of Commerce. FICCI and the US Chamber of Commerce will share analyses of legislation, regulations and other measures taken or proposed to combat piracy and counterfeiting in each country. They have also agreed to share critical and relevant information, and organize joint public education programmes. It has also been proposed that a joint conference with representatives of industry, law enforcement, the courts and national and state legislatures be organized.

(Financial Express, 26 April, 04)

International News

■ There is a proposal in US for all copyrighted material to carry a Federal Bureau of Investigation "Anti-Piracy" seal and a warning text informing that copyright infringement is "a serious crime with serious consequences". The FBI warning on music [films, softwares etc] is intended to make the consumers learn the do's and don't's of copying and uploading to the internet.

(Copyright World, March 2004)

■ Radio broadcaster GWR in UK is launching a service called "Hear it, Buy it, Burn it" wherein the listeners can purchase the tracks played in the radio. Users will need to tune in to their local GWR station

Contd on... 12

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192215. Eaton Corp, USA (905/Cal/97)	A shifting system for a transmission
192216. Cytec Technology Corp, USA (1049/Cal/97)	A collector composition for flotation of active sphalerite
192217. Commscope Inc, USA (1755/Cal/97)	Coaxial cable and method of making same
192218. Steel Authority Of India Ltd, New Delhi (2337/Cal/97)	A process for producing baintic rail steel of improved quality Antitheft apparatus for motorcycle
192219. Yamaha Hatsudoki Kabushiki Kaisha, Shingai (1846/Cal/98)	Process for preparing a pharmaceutical composition
192220. American Home Products Corp, USA (419/Cal/01)	Digital transmission system having a transmitter and a receiver for transmitting a wide band digital auto signal
192221. Philips Electronics Nv, The Netherlands (217/Cal/95)	Digital transmission system having a transmitter and a receiver for transmitting a wide band digital audio signal
192222. Philips Electronics Nv, The Netherlands (218/Cal/95)	An apparatus and a process for producing ethylene dichloride
192223. E I Du Pont De Nemours & Co, USA (2172/Cal/96)	Process for smelting reduction of chromium ore
192224. Kawasaki Steel Corp, Japan (291/Cal/97)	An evaporator of a refrigerator
192225. Daewoo Electronics Corp, Korea (615/Cal/97)	Battery separator
192226. Amtek Research In International Llc, USA (770/Cal/97)	Toothbrush with a replaceable brush section
192227. Coronet Werke Gmbh, Germany (1179/Cal/97)	Method and apparatus for the production of an inductive component
192228. Vacuumschmelze Gmbh, Germany (1500/Cal/97)	An improved rotary fluid pressure device
192229. Eaton Corp, USA (1051/Cal/97)	Process for preparing cream for enhancing complexion
192230. Emami Ltd, Calcutta (87/Cal/01)	A thin film low profile write head
192231. International Business Machines Corp, USA (718/Mas/95)	A controller for an electric machine
192232. Switched Reluctance Drives Ltd, England (782/Mas/95)	A method of producing a varistor having a mixture of a mixed metal oxide powder and zno powder
192233. Abb Schweiz Holding Ag, Switzerland (804/Mas/95)	Apparatus for use in a satellite communications earth station using tdma channels
192234. Inmarsat Ltd, England (894/Mas/95)	A wet flue gas desulfurization process and an apparatus thereof
192235. Mitsubishi Jukogyo Babushiki Kaisha, Japan (969/Mas/95)	A process for the production of low sulfur containing gasoline of high octane number
192236. Mobile Oil Corp, USA (1063/Mas/95)	A catalyst composition for converting ethylene to light alpha olefins
192237. Institut Francais Du Petrole, France (1071/Mas/97)	An apparatus for heat treatment of steel wire
192238. Sms Schloemann Siemag Aktiengesellschaft Eduard Schloemann	

Contd from...11

International News

via a digital set or the internet and register for the service. They will then be able to download a CD quality copy of the track by clicking a buy button. The music can be saved to a computer hard drive, burned onto a CD or transferred to a MP3 player.

(Copyright World, March 2004)

■ The Japanese Patent Office has made changes in its fee structure resulting in an overall reduction of 20%. Though the cost for requesting an examination is doubled, the cost of maintaining the application for the first few years has been dropped upto 80%. The changes will apply to any patent filed after 1 April 2004.

(Patent World, February 2004)

■ The WIPO-PCT reforms have come into effect from 1 January 2004. The international filing fee does not have a designation component as all countries are designated for all types of protection. The PCT will also offer an enhanced search and examination system to check compliance with main patentability criteria.

(Patent World, February 2004)

■ Spain jurisdiction has begun accepting electronic patent filings via epoline. Finland and France are already using the system and Germany and the United Kingdom are also joining soon. Epoline is making good progress since 1998 when the electronic filing system first took shape.

(Patent World, February 2004)

Contd on...13

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Strasse, Republic Of Germany (1273/Mas/95) An adhesive sheet material suitable for use on wet surfaces

192239. Minnesota Mining And Manufacturing Co, USA (1275/Mas/95) A polymer mixture

192240. Dow Global Technologies Inc, Michigan (1305/Mas/95) A device for measuring the density of liquefied petroleum gases

192241. Lpg Equipment Research Centre, Bangalore (710/Mas/95) A transportable storage stable peroxide composition

192242. Akzo Nobel Nv Velperweg, The Netherlands (940/Mas/95) A process for separating undesired components from a butyne diol solution

192243. S K Corp, Republic Of Korea (1039/Mas/95) An extrusion die assembly

192244. Societe Des Produits Nestle, Switzerland (1203/Mas/95) A pre fabricated double skin panel

192245. Corus Uk Ltd, England (1318/Mas/95) Glass gob shearing apparatus

192246. Owens Brockwayglass Container Inc, USA (1320/Mas/95) A coffee making machine

192247. Tribhuvansimh Amritlal Rathode, Chennai (1326/Mas/95) Width stretching unit

192248. Kusters Zittauer Maschinenfabrik Gmbh, Germany (1346/Mas/95) A process for the polymerization of ethylene with propylene

192249. Enichem Elastomeri Srl, Italy (1448/Mas/95) A slide fastner slider

192250. Ykk Corp, Japan (1459/Mas/95) A process for converting a hydrocarbonaceous feedstock into lower boiling materials

D. March 27, 2004

192251. Shell International Research, The Netherlands (1562/Mas/95) A method of obtaining a cellulosic textile fabric with reduced tendency to pilling formation

192252. Novozy Mes A S A Danish Joint Stock Co, Denmark (1597/Mas/95) A process for manufacturing filament yarns for technical applications by spinning a polymer and a polyester filament yarn made thereby

192253. A Cordis Industrial Fibers BV, The Netherlands (1706/Mas/95) A process for the selective high efficiency hydrogenation of an aromatic hydrocarbon cut

192254. Institut Francais Du Petrole Avenue De Bois Preau, France (78/Mas/96) A device for determining the instantaneous travel speed of documents

192255. Ascom Monetel S A Rue Claude Chappe, France (362/Mas/96) A process for manufacturing strontium carbonate of above 99 percentage purity

192256. Travancore Chemical Manufacturing Co Ltd, Tamil Nadu (1393/Mas/96) A novel method for preparation of crystalline polymorph form ii of sertraline hydrochloride

192257. Dr Reddy S Laboratories Ltd, Hyderabad (765/Mas/00) A novel recrystallization process for the preparation of form v of sertraline hydrochloride

192258. Dr Reddy S Laboratories Ltd, Hyderabad (768/Mas/00) An improved process for conversion of trans n methyl 4 3 4 dichlorophenyl 1 2 3 4 tetrahydro 1 naphthaleneamine to its cis n methyl 4 3 4 dichlorophenyl 1 2 3 4 tetrahydro 1 naphthaleneamine an intermediate of sertraline hydrochloride

Contd from...12

International News

■ The WIPO details on international patents filed via PCT for the year 2003 showed 110,000 applications with 35% being accounted by the US alone. The companies that filed the most patent applications came from Germany (Siemens, Bosch, Infineon and BASF), Japan (Matsushita and Sony) and the US (3M and Intel)

(Patent World, March 2004)

■ Handy Lab Inc, a US company, has developed a prototype for a device to confirm the presence of infection in fluid samples within 45 minutes of testing. The device called lab-on-a-chip is a use and throw chip and its IPR remains with Handy Lab in the US. The company has already launched the group B Streptococci test used for screening all pregnant women at 35 to 37 weeks in America.

(Business Line, 21 April, 04)

■ The International Treaty on Plant Genetic Resource for Food and Agriculture will become a law from June 29 since already 48 countries (including India) have ratified it. The US and 47 other nations have signed the treaty but not ratified it. The treaty is to ensure equitable distribution of genetic resources and to share the benefits with the ethnic conservators and indigenous breeders. It will facilitate scientists to have systematic access to genetic resources for breeding and research. It also provides for sharing the profits arising out of the use, including commercialization of new varieties even by the private sector.

(The Financial Express, 25 April, 04)

Contd on...14

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192259. Dr Reddy S Laboratories Ltd, Hyderabad (819/Mas/00)	An exothermic heterogenous catalytic synthesis reactors
192260. Methanol Casale SA, Switzerland (815/Mas/95)	A process for producing a hydrowax
192261. Shell International Research Maatschappij B V, The Netherlands (791/Mas/95)	A method of producing a catalyst for reforming or aromatization
192262. Chevron Philips Chemical Co, USA (803/Mas/95)	A rotating catalytic cleaning device for gaseous effluents having polluting substances
192263. Institut Francais Du Petrole, France and Bourcier Jacques, France (1710/Mas/95)	A depilatory strip
192264. Reckitt Colman France, France (33/Mas/96)	An apparatus for treating particulate material with gaseous medium
192265. G Prem Sagar, Pandiaraj Corsley Kotagiri, The Nilgris (82/Mas/96)	A method of producing a wear and rolling contact fatigue resistant carbide free bainitic steel rail
192266. Corus Uk Ltd, England (91/Mas/96)	Method and apparatus for producing a tubular container with closure means
192267. Plastech Aps, Denmark (186/Mas/96)	An apparatus for continuously annealing amorphous alloy cores with closed magnetic path
192268. Vijai Electricals Ltd, Hyderabad (503/Mas/96)	A method of production of a polyvinyl ether compound
192269. Idemitsu Kosan Co Ltd, Tokyo (1319/Mas/97)	A process for preparing 5 chloro 1 4 fluorophenyl 3 1 2 3 6 tetrahydropyridin 4 yl indole
192270. H Lundbeck A S, Denmark (776/Mas/00)	An improved inflatable bladder thereof
192271. Henry K Obermeyer, USA and Robert D Eckman, USA (1111/Cal/96)	Connection element for a diversity reception antenna
192272. Saint Gobain Vitrage, France (1640/Cal/96)	A transducer
192273. Noise Cancellation Technologies Inc, USA (1868/Cal/96)	Apparatus for determining a high voltage required for programming and or erasure in a programmable and erasable read only semiconductor memory
192274. Siemens Aktiengesellschaft, Germany (1950/Cal/96)	Receiver for receiving a time domain multiplex downlink signal and communication system and method for broadcasting of program
192275. Worldspace Inc, USA (2094/Cal/96)	A magnetic resonance imaging mri scanner subassembly
192276. General Electric Company, USA (1265/Cal/97)	A method of preparing 3 alkoxyphenyl magnesium chlorides
192277. Grunenthal Gmbh, Germany (247/Cal/97)	A refrigerator in which air curtains are formed at the cooling compartments
192278. Daewoo Electronics Corp, Seoul Korea (1057/Cal/97)	Apparatus for the biological purification of waster water
	A process for preparing extra shine shampoo

Contd from...13

International News

■ The plagiarism detection softwares are becoming increasingly popular along with internet's copy-enabling power in order to restrict white-collared copy-cats. This technology makes a digital fingerprint of an entire document and compares against material on the internet and other sources to check and ensure originality. Plagiarism-detection providers include iParadigm LLC, Glatt Plagiarism Services and MyDropBox LLC. The clients of this software include companies that produce instruction or training material, attorneys searching for copyright violations and military agencies that check officers' applications for promotions.

(Deccan Chronicle, 7 April, 04)

■ The efforts by a group of developing countries led by India and Brazil to resolve the potential conflict between the TRIPS Agreement and the Convention on Biological Diversity (CBD) by bringing amendments to the TRIPS hit a major roadblock at the TRIPS Council meet last month. The US and Japan contended that CBD should not be enforced by patent law and the discussions in this regard should take place in WIPO. According to the developing countries there is a potential disharmony between the CBD which recognises the members' sovereign rights over their biological resources namely plants, animals and microorganisms and the TRIPS Agreement which contains no provisions preventing biopiracy acts.

(The Economic Times, 11 April, 04)

Contd on...15

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192279. Paques B V, The Netherlands (2072/Cal/97)	A process for the production lower molecular weight polymers
192280. Emami Ltd, Kolkata (209/Cal/02)	
192281. Commonwealth Scientific And Industrial Research, Australia and E I Du Pont De Nemours and Co, USA (1750/Cal/96)	Process for producing nitric acid
192282. Drinkard Metalox Inc, USA (2067/Cal/96)	Microwave oven apparatus and method for modeling charcoal barbecuing
192283. Lg Electronics Inc, Republic Of Korea (2162/Cal/96)	Tone generator
192284. Samsung Electronics Co Ltd, Korea (2236/Cal/96)	Improved hockey stick
192285. Ian Robert Malcolm Howgate, UK (800/Cal/97)	A linear power amplifying device and a method for eliminating intermodulation distortion
192286. Samsung Electronics Co Ltd, Korea (841/Cal/97)	A process for the production of metal and an apparatus therefor
192287. Ipcor Nv, The Netherlands (1387/Cal/97)	A process for preparing herbal skin talc
192288. Emami Ltd, Kolkata (208/Cal/02)	Method for fabricating a composite metal and plastic components of an antiballistic grill for an armored vehicle
192289. Fried Krupp Ag Hoesch Krupp, Germany (881/Cal/98)	Clamping device
192290. Krone Gmbh, Germany (2079/Cal/97)	A process for the preparation of novel 4 alkyl 7 0 acetamide 2 yl 2h 1 benzopyran 2 ones useful as inhibitors of helminthic and protozoan dna topoisomerases
192291. CSIR, New Delhi (620/Del/01)	A process for the production of fermented meat
192292. CSIR, New Delhi (398/Del/01)	An improved process for the preparation of dehydrated cauliflower florets
192293. CSIR, New Delhi (399/Del/01)	Aprocess for the preparation of novel chiral catalyst useful in preparation of chirally enriched epoxides
192294. CSIR, New Delhi (1353/Del/99)	An improved process for the preparation of 20 oxopregnenane compounds
192295. CSIR, New Delhi (1404/Del/99)	A process for the preparation of maize chips useful for preparation of crunchy maize snaks
192296. CSIR, New Delhi (253/Del/00)	A process for the preparation of 5 methoxy 4 methylthioalkyl 1 3 dibenzyl 2 imidazolones
192297. CSIR, New Delhi (910/Del/00)	A process for isolation of novel oligospirostanoside from asparagus racemosus
192298. CSIR, New Delhi (901/Del/00)	A process for the production of choline esterase inhibitor
192299. CSIR, New Delhi (303/Del/00)	
192300. CSIR, New Delhi (365/Del/00)	An improved process for the preparation of pharmacologically active hydrolysate from marine mussel

Contd from...14

International News

■ The American film industry, Hollywood, is fighting rampant DVD piracy in Russia with a radical new tactic of cutting prices. The low price idea has long been anathema to industry advocates in the US. In Russia, where 9 out of every DVD and 6 out of every CD sold are pirated, the goal of lower prices is to compete with the pirated versions.

(Asian Age, New Delhi, 17 April, 04)

■ Medizinsches Lasuzentrum Lubeck, GmbH, is attempting to patent an instrument that monitors the temperature of the back of the eye during therapeutic laser treatment. The instrument monitors changes in the fluorescence signature emitted by the tissue. The changes are compared with the reference data and laser radiation is varied depending on the result. The fluorescence radiation can be associated with the tissue's natural autofluorescence or to that of an injected dye.

(Optics.org, 16 March, 04)

■ Fujitsu Limited, Japan has filed a patent titled "Individual identification device". The pattern of blood vessels in a persons' hand can be used to reveal their identity. The non-contact method involves taking a picture of the hand while it is being illuminated using near infrared light. The image is then compared and matched to stored data, revealing the users' identity.

(Optics.org, 24 March, 04)

Contd from...9

Litigation Watch

Networks which bought the rights to the code. The company claims that the work Mr. Toader did on the software program was on a work for hire agreement which expressly stated that Kazza owned all the rights. Mr. Toader claims he never signed a contract with Kazza, and under US copyright laws, he is therefore the owner of the program.

(These Days, 19 March,04)

- Utah Medical received damages of \$20 million from Graphic Controls for infringing their patent describing a medical device for measuring the pressure inside the uterus during childbirth. Graphic control had approached Utah Medical for a license, but the request was refused.

(Patent World, February 2004)

- The European Patent Office has revoked a long disputed patent belonging to Rambus, a chip interface producer based in the US. The semiconductor memory device patent had been granted in Germany, France, Italy and the UK. A number of companies had filed opposition to the patent but the patent was maintained in amended form. The current ruling

however revoked the Rambus patent.

(Patent World, March 2004)

- The Tokyo District Court (TDC) awarded Mr. Nakamura an unprecedented compensation amount of ~US\$180 million from its ex-employer Nichia Chemical Corp., for his achievements in the field of 'blue LED based on gallium nitride'. Mr. Nakamura who had been a researcher with Nichia is now professor at the University of California in Santa Barbara. The Japanese corporate management is unhappy with the decision and will make efforts to prevent such litigation.

(Patent World, March 2004)

- Microsoft Corp will pay InterTrust technologies Corp \$440 million to license the software pioneer's antipiracy patents and settle litigation between the two companies. The deal ensures that Microsoft's customers can use Microsoft products and services as they are intended to be used without requiring a license from InterTrust.

(Business Line, 13 April,2004)

- Japans' technology firms are facing patent lawsuits from

disgruntled engineers. So far the engineers are winning and analysts say the trend could eventually push Research and Development overseas. In a series of recent court rulings, companies including electronics conglomerate Hitachi Ltd. have been ordered to pay millions of dollars to their former employees as compensation for successful inventions. In the latest case, Tohoku University Professor Fujio Masuoka earlier this month filed suit against his former employer Toshiba Corporation for one billion yen in compensation for his invention of flash memory chips. The recent string of lawsuits clouding Japan has resulted from deep-rooted discontent among engineers who believe that management has undervalued their inventions.

(The Financial Express, 23 March,2004)

- The United States is deploying an array of tools to battle infringement of intellectual property rights (IPRs) ranging from capacity building to possible economic sanctions to encourage countries to bolster their IPR laws and enforce them. The estimated US business losses from IPR infringement amounts to \$200-250 billion annually.

(The Financial Express, 26 March,2004)

Please send us questions and topics you would like to see in the coming issues

NEXT ISSUE

- Case Study
- Case Law
- Patents for Opposition

Published by: Patent Facilitating Centre (PFC)

Technology Information, Forecasting and Assessment Council (TIFAC)
Department of Science and Technology (DST)
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Editor: R. Saha, Director, PFC

Bulletin Team : Sangeeta Talwar, Suresh Kumar K. & Yashawant Dev Panwar
Printed by Reliant Press Pvt. Ltd., New Delhi-110 020
Telefax: 2638 4567, 2638 9593 e-mail : reliantpress@yahoo.com

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