



A BULLETIN  
FROM  
TIFAC

# INTELLECTUAL PROPERTY RIGHTS (IPR)

VOL 8 NO. 12 DECEMBER, 2002

## Instructions for Technology Transfer and IPR

Ministry of Science and Technology has issued the guidelines "Instructions for Technology Transfer and Intellectual Property Rights", which would help in enhancing the motivation of scientists, research institutions and universities in projects funded by the Department of Science and Technology, Department of Biotechnology, Department of Scientific and Industrial Research and Department of Ocean Development. The salient features of the guidelines are :

- 1. Ownership of Intellectual Property:** Institutions shall be encouraged to seek protection of intellectual property rights in respect of the results of R&D. They may retain the ownership of such IPR. 'Institutions' would mean any technical, scientific or academic establishment where research is carried out through funding by the central/state government.
- 2. Transfer of Technology:** The institutions shall take the necessary steps to commercially exploit patents on exclusive or non-exclusive basis.
- 3. Royalty to Inventors:** The owner institution is permitted to retain the benefits and earnings generated out of the IPR. The institution may determine the share of inventor(s) and other persons from such actual earnings. However, such share(s) shall be limited to one third of the actual earnings.
- 4. Norms for Private Industry:** IPR generated through joint research by institution(s) and industrial concern(s) through joint efforts can be owned jointly by them as may be mutually agreed to by them through a written agreement. The institution and industrial concern may transfer the technology to a third party for commercialisation on exclusive/non-exclusive basis. The third party, exclusively licensed to market the innovation in India, must manufacture the product in India. The joint owners may share the benefits and earnings arising out of commercial exploitation of the IPR. The institution may determine the share of the inventor(s) and other persons from such actual earnings. Such share(s) shall not exceed 1/3<sup>rd</sup> of the actual earnings.
- 5. Patent Facilitating Fund:** The owner institution(s) shall set apart no less than 25% of the revenue generated from IPR, to create a Patent Facilitating Fund. The Fund shall be utilized by the owner for updating inventions, filing new patent applications and protecting the IP rights against infringement and for building competency in the area of IPR and related issues.
- 6. Information :** The institutions shall submit information relating to the details of the patent obtained, the benefits and earnings arising out of IPR and the turnover of the products periodically to the department/Ministry which had provided funds.
- 7. March In Rights:** The Government shall have a royalty-free license for the use of intellectual property for the purposes of the Government of India.

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## Case Study

### **Universal shopping center for international operation**

Shopping over the net or through television channels has now been in practice for quite some time. There are numerous public internet web sites and private intranet sites that offer various articles and services for sale. Most of these public web sites and private sites operate in national configurations where the buyer and seller are restricted to a particular language and currency. A US patent has been recently granted to DE Technologies, Inc in October 2002 for an international transaction system for operation over the internet/intranet. The main feature of this patent is that the details of the products can be viewed in the language of one's interest and the cost of the product be known in the currency in which the customer desires to make the payment.

#### **Prior Art**

There are a number of transaction systems using electronic communications, including the internet, as conduits for carrying out an exchange of goods and funds but most of them are restricted to a particular language or currency.

In case of international sales, realistic currency conversions, issues of customs, import/export duties and shipping become important. These are not taken into account in conventional transaction systems. Also, in such systems the translations of all foreign catalogues, including the full terms of sale and shipping costs, are not always provided. As a result the buyer of goods from a

foreign country often faces large, unexpected charges upon delivery of the goods. Such systems are clearly not suitable for a global market place.

#### **Summary of the Invention**

The present invention has consolidated various components of an international sale into one program whereby a buyer can go shopping by computer almost anywhere in the world using one's own language and see a display of goods priced in one's own currency. The system facilitates to view goods selected for purchase to include any import duties or other such taxes thereby allowing the purchaser to pay these funds as part of the cost of the goods selected at the time of the purchase. The system allows to purchase goods using an approved credit cards conventional system, or other electronic currencies and to compare products from different countries on a global scale.

By conducting electronic transactions, the necessity of forwarding paperwork in international transactions is often eliminated, and the overall costs reduced. Further, by providing an electronic title as the commercial invoice, the documentation flow is facilitated, costs reduced and the customer receives proof of purchase in a more timely fashion.

The process is initiated by accessing an internet web site or private site controlled by the international transaction program. The customer accessing the web site then selects a language in which to view catalogue information. The customer also selects the

currency in which to pay for the products to be bought. After selecting products for consideration the customer can trigger calculation of all charges involved in an international transaction for purchasing the selected product by selecting a shipping destination. If the customer chooses, he can initiate the order for the selected product including automatic credit authorization, and the generation of an electronic title.

#### **Detailed Description of Preferred Embodiments**

Fig. 1 is a flow chart depicting the operation of the transaction system of the present invention. A plurality of computer databases and systems are accessed to complete the functions necessary for both national and international transactions for the purchase of goods and services. All of the interactions between the various external databases and the transaction program are controlled by transaction program. The transaction system contains or interacts with various databases, including product and catalogue information, currency information, product codes from harmonized tariff tables, vendor inventory and order entry database, shipping information, credit authorization and/or funds transfer confirmation database and customer information, including credit and financial data, as well as purchasing records and profiles.

These databases interact in the manner shown in the flowchart of Fig.1 to provide all the necessary information to complete a transaction.

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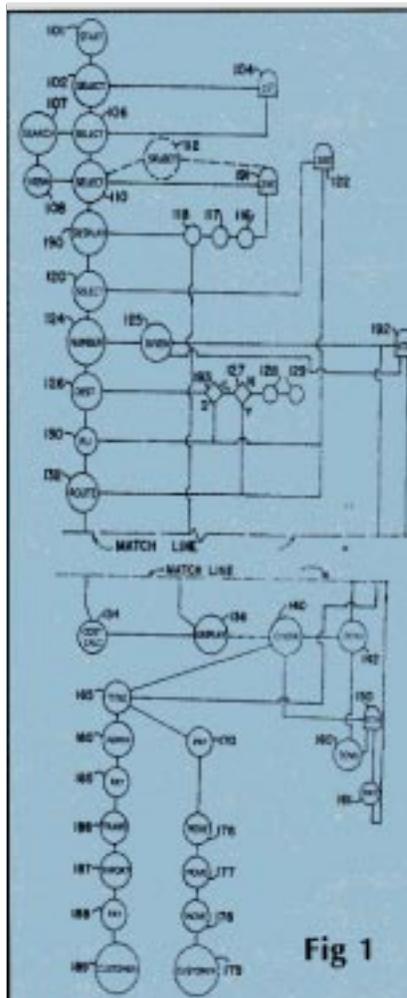
### **Case Study...**

Communications between the transaction program, the customer and the various databases can be carried out using any of electromagnetic force (EMF) wave communications link such as radio waves, light pulses, telephone lines, etc. The system integrates all the databases, including databases owned by the system operator as well as external databases (such as credit authorization database.

The initial entry into the system determines the speaking language of the customer which operates a default to select the most likely currency of the customer unless the customer indicates otherwise. Once the language has been determined and the currency has been selected, the customer is then able to review product listings that have prices that reflect the currency and taxes of the country in which the customer resides.

At step 101, a user accesses the internet website upon which a menu is provided to the user or customer permitting selection from among a plurality of different catalogues. A plurality of catalogues, each translated into a plurality of different languages are available on the system. A particular catalogue or set of catalogues, in a preferred language, are accessed. At step 105 a desired catalogue (and its country of origin) is selected and the country of the customer is input to select a default currency, which is used as a trigger to guide the operation or portions of the transaction process once a product or products are selected from the

electronic catalogues. At step 108 the customer selects and views a particular catalogue and product within that catalogue for consideration. Making a selection from the catalogue produces linked web pages for any of the products listed. When a particular product is selected in



the customer's currency, a price in the customer's currency is automatically requested. Normally currency is chosen by default (step 105). However, the customer has the option of selecting a particular currency (step 112) in which he wants the catalogue price of the selected products. The currency conversion is carried out at the second database and processing

center. This second database provides a "real time" conversion from the currency of the country in which the catalogue originates to that selected by the customer. The price is provided to the customer with a clear indication that this is the price for delivery at the vendors factory or at one of the vendor's distributors, not the customer's location.

However, there are difficulties with "real time" currency conversion. This can be done automatically (step 116) at the time that the customer initially asks for the converted catalogue price by selecting a particular product. In order to compensate for any disparity between the quoted exchange rate, the transaction system adds a small percentage to the conversion rate (step 117).

At step 118, an automatic alarm is activated when one or both of the currencies in the selected conversion process are exhibiting wide fluctuations in value.

Should the currency conversion be stable, the price is displayed to the customer almost instantaneously after either step 105 or optional step 112.

At step 126, the customer inputs the destination for purposes of calculating the cost of delivering the selected product or products to that destination. Calculation of standard freight charges is provided, along with the optional insurance and any other charges, to the customer at step 127.

Once the decisions at step 128 are made, the sales tax can be computed

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#### **Case Study...**

automatically and displayed to the customer at step 129. At step 130, revenue units are calculated for the products to be shipped in four different ways, including: metric units for air transport; metric units for sea transport; standard English units for air transports; and, standard English units for sea transport. At step 132 a determination of the discrete legs or links of the overall transport route are determined. At step 134, all costs such as freight, handling, basic taxes (such as sales tax) and documentation fees, insurance, import/export charges, etc. are calculated to provide a total cost to obtain the selected product or products at the selected destination. To order the products (step 140) the customer activates the appropriate area on the menu screen.

Once electronic funds (or other authorization) are transferred to the vendor (step 161) from a local clearinghouse, the vendor will utilize a connection to the transaction system of the present invention to generate an electronic title (step 165) also referred to as a commercial invoice. Upon generating the electronic commercial invoice (step 165 based upon vendor authorization or provided by the vendor), the vendor must carry out two types of activities. The first is administrative, and includes satisfying the requirements of the various governmental and regulatory entities controlling commerce and manufacturer at the location of the vendor (step 180). The second is to arrange transportation to the

point requested by the customer (step 170). As step 170, the vendor has the option of paying the local taxes, local transport costs, insurance, packaging, etc. himself, or contracting to have some of this done through the inventive transaction system.

When dealing with international carriers such as ships or airplanes, goods to be transported are normally moved with the commercial invoice attached thereto. The goods are placed into the keeping of an official of the international carrier (step 176), such as a ship's captain, and the captain also takes possession of the commercial invoice (step 186). Once the goods have been moved out of the customs area, a local carrier can take possession (step 178) and begin delivery to the requested customer destination (step 179). The present system is capable of arranging payments with local carriers so that the customer does not have to go through this process. Once the commercial invoice clears the customs service, the document can be sent electronically via the internet, intranet, facsimile, PTP, or any other convenient means, directly to the customer (step 189). Once an order is entered (step 140) the customer information is loaded into the customer database and inventory information updated.

#### **Claims**

The patent has 17 claims in all. below:

1. A computer implemented process for carrying out an international commercial transaction comprising running a transaction

program on a computer system so as to integrate processes including:

- (a) selecting a language from a menu in which to view catalogue information on products;
- (b) selecting a currency from a menu in which to obtain price information;
- (c) selecting a product to be purchased and a destination for shipping such product to be purchased;
- (d) accessing at least one local or remote database for obtaining:
  - (i) price information for the product to be purchased; and
  - (ii) a product code for an international goods classification system pertinent to such product; and
  - (iii) international shipping information related to an origination point of such product and said destination;
- (e) calculating costs involved in moving such product to said destination based upon said destination and such product;
- (f) determining a total cost of the transaction that includes a price of the product;
- (g) receiving an order for such product thereby triggering an electronic process for confirming existence of available funds; and
- (h) upon confirmation of availability of said funds, accepting said order, generating an electronic record, such record including the content of a commercial invoice, to facilitate passage of such product to said destination.

## The WIPO Worldwide Academy

*By Pushendra Rai, Deputy Director, WIPO Worldwide Academy, World Intellectual Property Organization (WIPO), Geneva*

Intellectual property refers to creations of the human mind and now permeates almost every aspect of human activity. The entire spectrum of human creativity and endeavor, from traditional inventions to digital technologies, has an important interface with intellectual property. The promotion and effective protection of intellectual property is inextricably linked with any policy for sustained and durable social, economic, cultural and technological development. During the 21st century, intellectual property will play an ever more important role on the international stage. Works of the mind - intellectual property - such as inventions, designs, trademarks, books, music, and films, are now used and enjoyed on every continent on earth.

The World Intellectual Property Organization (WIPO), a specialized agency of the United Nations, is an international organization dedicated to ensuring that the rights of creators and owners of intellectual property are protected worldwide and that they are recognized and rewarded for their ingenuity. This contributes to further advancements in the field of science and technology, enriches literature and the arts and also provides an impetus to world trade.

The WIPO has a total number of 179 member states and deals with several tasks in the field of intellectual property rights, such as administering international

treaties, assisting governments, organizations and the private sector, monitoring developments in the field and harmonizing and simplifying relevant rules and practices.

The WIPO administers 23 treaties and carries out a rich and varied program of work, along with its member states, to harmonize national intellectual property legislation and procedures; provide services for international applications for industrial property rights; exchange intellectual property information; provide legal and technical assistance to developing and other countries; facilitate the resolution of private intellectual property disputes and marshal information as a tool for storing, accessing and using valuable intellectual property information.

In order for countries to derive advantages from the intellectual property system and to face the challenges confronting its development, it is important to establish a modern legal framework and effective machinery for its administration and enforcement. The WIPO is aware that any attempts to institute such a system on a sustainable basis, it is vitally important to develop human resources in this field.

The use of the intellectual property system today is significantly higher than what was expected a few years back. The number of applications being received by intellectual property offices seeking protection for patents, trademarks etc. has been growing rapidly. The challenges being faced by these offices are becoming more complex, both in quantitative and qualitative terms. Therefore, there is a need to strengthen these offices with appropriately trained personnel.

Furthermore, as intellectual property has now become a global issue, impacting on vital policy issues such as health, environment, trade, electronic commerce etc., it is necessary to expose and equip the policy maker with the requisite knowledge and skills, to enable him to perform his functions more effectively.

Recognizing the crucial role played by human resource development, Dr Kamil Idris, Director General of WIPO, in his acceptance speech to the Governing Bodies of the WIPO on September 22, 1997 said,

“I intend to propose the focussing of the resources available for human resource development under a central WIPO Worldwide Academy, which can also be a forum for exposing policy-makers in governments to the role and implications of intellectual property in economic and social systems.”

Accordingly, the WIPO Worldwide Academy was created in March 1998 for consolidating training activities under a central coordinating mechanism. It was also meant to offer a forum for policy advisors and decision-makers in government to debate the importance and implications of intellectual property in the economic and social development of their countries. The overall objective of the Academy is to serve as an institution of excellence in providing teaching, training, advisory and research services in intellectual property.

The Academy carries out its functions under three basic programs, Professional Training, Policy Development and Distance Learning.

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### **The WIPO Worldwide**

The Professional Training Program offers intermediate and advanced training courses for managers and technical staff of intellectual property offices and other professional users of the system. These courses are meant not only for persons working in intellectual property offices, but also for those involved with research work in universities and research and development institutions, as well as chambers of commerce and industry. The courses are offered by the Academy jointly with more than 25 cooperating States and institutions. The format provides for a mix of theoretical and practical training and includes Internet learning and group discussion sessions.

Under the Policy Development Program, the Academy organizes sessions for decision-makers, policy advisors, development managers, diplomats and other target groups, to promote policy debates and a comprehensive understanding of the intellectual property system. The sessions are designed to encourage sharing of information and exchange of views on the experience of developing countries, in using the intellectual property system as a tool for development.

The General Academy sessions, cover a broad range of topics on the protection, administration and enforcement of intellectual property rights. The Special Academy sessions, organized for specific target groups, deal intensively with specific issues, such as the enforcement of intellectual property rights, the implications of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and the

pedagogical aspects of the teaching and training of intellectual property.

The Distance Learning Program is a cost-effective complement to traditional training, with the inherent advantages of flexibility of time and space, and the capacity to reach the unreached. It signals a paradigm shift in teaching methodology and has been singularly successful in widening the target audience of the Academy. The course presently offered is called the "General Course on Intellectual Property" and is available in Chinese, English, French and Spanish. Modules in Arabic, Russian and Portuguese will also be made available to the public from early 2003. The course is now a pre-requisite for participation in some of the professional training programs of the Academy.

The Academy has entered into programs of cooperation with universities for joint award of degrees, diploma or certificates. It organizes a Post-graduate Specialization Course on Intellectual Property in Turin, Italy in cooperation with the University of Turin, the Government of Italy and the International Labor Office (ILO). The program mainly targets professors teaching or intending to teach intellectual property at a university or other school of higher learning. This program is now being upgraded to a Masters Degree.

Another joint venture of the Academy is a Master Program on Human Rights and Intellectual Property implemented in cooperation with the Raoul Wallenberg Institute for Human Rights and Humanitarian Law and the University of Lund, Sweden. This is a unique program, which explores the interface between

the two fields of law and is extremely relevant for students pursuing a career in either of these two areas.

The Academy organizes a Summer School every year for senior students and young professionals from all regions of the world. The six-week summer school includes lecture sessions, group exercises, videoconferences and research activity.

The Academy has been supporting the activities of the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), mainly by providing financial aid to enable the participation of its members and professors from developing countries at its annual congress. ATRIP, founded in 1981, is aimed at promoting teaching and research in the field of intellectual property. Its members meet once a year to discuss recent developments in the field of intellectual property.

In order to strengthen links between the Academy and the Member States and to facilitate human resources development on a national level, the Academy has entered into Framework Agreements of Cooperation with government agencies, intellectual property offices, universities and other institutions. These cooperation arrangements seek to foster human resource development in the field of intellectual property and include activities like organization of distance learning courses; exchange of training materials, academic information, research papers, books and periodicals; organization of symposia, seminars, workshops and other training programs.

In 2003, the Academy is

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### **The WIPO Worldwide**

scheduled to launch several advanced courses through Distance Learning. The subjects to be covered are Copyrights and Related Rights, Intellectual Property and Traditional Knowledge, Intellectual Property and Electronic Commerce and Intellectual Property and Biotechnology. These courses will be meeting a long felt need to educate interested persons on these subjects through distance education.

India has been participating very extensively in the programs of the Academy. A Framework Agreement of Cooperation was concluded between the WIPO and the Ministry of Human Resource Development, Government of India in September 2002 for human resources development in the field of intellectual property in India. The Agreement, inter alia, seeks to build specialization in the academic community for the teaching of intellectual property rights.

In the past few years, several interregional and national programs have been jointly organized in India with different Ministries and Departments of the government, universities, institutes of technology and management and law schools. The programs dealt with various aspects of intellectual property, such as effective enforcement, interface with international trade, education and training in the field of intellectual property and challenges facing developing countries. Participants from India have been taking the distance learning courses in large numbers and by the end of 2002, formed about 26 % of the global numbers registered for the course in English.

## **Case Law**

### ***Electronic Clipping Services may lead to Publishers' Copyright Infringement***

The Amsterdam District Court in Netherlands recently gave a ruling in favour of publishers' copyright, whereby Euroclip, a company in the Netherlands was found to infringe their copyright while providing electronic clipping services on payment basis.

Euroclip offered electronic clipping services on payment basis to its clients. It scanned 600 newspapers and magazines in full on a daily basis and attached each article on its computer system along with keywords attached thereto. Through a search engine, those articles could be reproduced in any wanted classification. Clients could specify their areas of interest and could periodically obtain from Euroclip all articles that were published in that field. Euroclip utilized the newspapers' and magazines articles without paying any remuneration to publishers for scanning. The publishers of newspapers and magazines filed suit against Euroclip claiming that Euroclip infringed upon their database rights and copyrights.

The Court, however, set aside the infringement of database rights of publishers as it stated that newspapers and magazines did not contain "elements of a work of reference", instead they were providers of information. Therefore, the court denied the database protection. The Court then tried to analyze if there was any copyright infringement attached to this case.

A decision was given by the Supreme Court of Netherlands in November 1995 whereby a 'paper' clipping service was found not to infringe upon the copyright of the

publishers as this paper clipping service provider had clients which constituted of libraries and government employees. Whereas Euroclip was making money out of the clipping services it was offering.

Furthermore, Article 15 of the Copyright Act of Netherlands says:

"It shall not be deemed an infringement of copyright to take over news reports, miscellaneous reports or articles concerning current economic, political or religious topics that have appeared in a daily or weekly newspaper or weekly or other periodical or works of the same nature that have been broadcast in a radio or television programme, if:

The taking over is effected by a daily or weekly newspaper or weekly or other periodical in a radio or television broadcast."

According to this Act, clipping services that are published in the interest of the free flow of information are to be considered as periodicals within the meaning of the Article 15, hence not considered infringement. But Euroclip didn't get this advantage as the Court attached great weight to the commercial character of the Euroclip's service and ruled that Euroclip's service could not qualify the criteria of "free flow of information". Taking into account the amount of the commercial character of Euroclip's service the Court ruled that Euroclip's clipping service infringes upon the copyright of publishers and therefore could not benefit from the copyright restriction that reproduction by the press is permitted under certain conditions.

(Source : Copyright World, Dec/Jan 2002/2003 Issue 126)

## Litigation Watch

I Bappi Lahiri has filed a suit in the US District Court against popular musician Dr. Dre claiming record produced on his label for the singer Truth Hurts borrowed heavily from a Hindi song from the 1970's. Lahiri wants to stop further sales of Truth Hurt's album 'Truthfully Yours' and is accusing the producers of Addictive of copying four minutes of a song called 'Thoda Resham Lagta Hai' performed by Indian artist Lata Mangeshkar. A \$ 500 million suit has been filed in a federal court.

**(Copyright World,**

**December/January, 2002/2003)**

I CD maker, Cinram International is paying US\$10.1 million to settle a copyright infringement claim by the Recording Industry Association of America. The Association had alleged that some of the CDs being replicated by Cinram allegedly infringed copyright of some of the Association members.

**(Copyright World,**

**December/January, 2002/2003)**

I A federal jury in Los Angeles has ordered Media Group to pay €140 millions in a lawsuit brought by the Recording Industry Association of America (RIAA). Media Group was charged with making illegal copies of 1500 songs since 1995.

**(Copyright World, Oct 2002)**

I Nature Labs in USA is making perfumes for dogs and selling under the brand names which are parodies of famous brand names. Tommy Hilfiger Licensing Inc was selling perfumes under the brand name 'Tommy Hilfiger' and Nature Labs sold its perfume for dogs under the brandname 'Timmy Holedigger'. Nature Labs LLC is selling numerous other parody fragrances for pets, including Pucci (Gucci), Bono Sports (Polo Sports). The court observed that other trade mark holders have also accepted the parodies so it allowed

Nature Labs to use the brand name under the suit for their perfume.

I Pepsi has succeeded in obtaining a permanent injunction from Delhi High Court against Rashmi Sales Corporation from using the trademark 'Aquafina' for their water purifiers.

I An employee of Samsung Electronics had invented letter input device during his employment with the company. Later the company obtained a patent for the device. The employee Mr Choi sued Samsung for obtaining a patent on the device and claimed profits from that patent. However, the court ruled in favour of Samsung saying that the invention falls under the category 'in-service invention' since the product was developed during the course of Choi's employment with the company.

I Popular US musicians, Bruce Springsteen and Jon Bon-Jovi have sued a Pennsylvania Bar, RPM for playing their music without a license from American Society of Composers, Authors and Publishers (ASCAP), a license which costs €2,900 annually. The suit seeks €750 to 30,000 in damages and a permanent ban on the use of ASCAP music at the bar.

## Some Important Websites

### 1. Entrez Nucleotides

[http:// www.ncbi.nlm.nih.gov/entrez/query?db= Nucleotide](http://www.ncbi.nlm.nih.gov/entrez/query?db=Nucleotide)

Hosted by NCBI which includes sequences from several sources, including GenBank, RegSeq, and PDB

### 2. Patent Database Online

<http://www.ukmicentral.nhs.uk/pressup/pe.htm>

This British NHS (National Health Service) database offers data on

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## International News

I The Supreme Court of Canada has refused to grant a patent to Onco Mouse which was patented by USPTO and EPO in 1988 and 1991 respectively. The Supreme Court of Canada overruled the decision of the Court of Appeal which had opined that Onco Mouse should be granted a patent. This means that the Canadian law will not allow patenting of higher life forms. This may not be the end of this interesting issue. This matter can be taken by the legislators for a review of the present Canadian laws in this regard.

I The government of Colombia has issued a decree that temporarily prohibits third-party use of information provided by pharmaceutical companies applying for health registrations with Colombia's National Institute for Medicaments and Food (INVIMA). Earlier to this decree, the test data dealing with the safety and effectiveness of new pharmaceuticals could be consulted and used by any person applying to register a similar product. Decree 2085 of 2002 prohibits public access to undisclosed information supplied to INVIMA as follows:

- \* For three years from the date of approval for sale in Colombia, for applications filed during the first year of the enforceability.
- \* Four years from the date of approval for sale Colombia, for applications submitted during the second year of enforceability.
- \* Five years from the date of approval for sale Colombia, for applications submitted as from the third year of enforceability.

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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. 2 November, 2002

188731. Hindustan Lever Ltd, India (257/Bom/97)	Aqueous coolant composition
188732. Outokumpu Technology, Finland (269/Bom/97)	Apparatus for adjusting the boundary surface between two controllably flowing and mutually separate solutions and for conducting both solutions out of the separation
188733. Outokumpu Technology, Finland (271/Bom/97)	An apparatus for conducting the dispersion of two phases created in mixing unit of liquid extraction symmetrically from the last mixer of a mixing unit to a settler
188734. Suresh Anandrao Salunkhe and et al, India (278/Bom/97)	An improved four stroke single cylinder diesel engine
188735. Tanaji Dagadu Katkar, India 299/Bom/97)	An improved pneumatic displacement pump for handling
188736. Sanjeev Khosla And Aarti Khosla, India(449/Bom/97)	An improved multi beam headlight device for fitment/retrofitment on locomotives
188737. Gulisheld Ltd, Ireland (497/Bom/97)	A process for the continuous dyeing of warp yarn and an apparatus for carrying out the process
188738. Prof Dr Siegfried Peter Lindenweg, Germany(520/Bom/97)	Method for purification of fats or oils of animal or vegetable origin
188739. Hindustan Lever Ltd, India (650/Bom/97)	Dosing dispenser for liquid soap or the like
188740. Sanjeev Khosla And Aarti Khosla, Bombay (725/Bom/97)	Traffic signal lighting unit
188741. Star Precision Electronics, (417/Bom/98)	A spectrometer based multipurpose textile testing instrument
188742. Hindustan Lever Ltd, India (95/Bom/99)	Process to improve the quality of tea
188743. VIP Industries Ltd, India (197/Bom/99)	A trigger type corner lock for a luggage case such as suitcase
188744. Cancer Research Institute , Mumbai (392/Bom/99)	A process for the isolation of the recombinant nucleotide sequences comprising 1-2381 base pairs (9bp) for early detection of oral cancer
188745. United Phosphorus Ltd, India (473/Bom.99)	A process for the preparation of synergistic insecticidal composition of cypermethrin and dimethoate for combatting the pest population
188746. United Phosphorus Ltd, Gujarat india (474/Bom/99)	A process for the preparation of synergistic insecticidal composition of cypermethrin and endosulfan for combatting the pest

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### International News....

A consultation on proposed changes to the UK patent laws has been launched. Proposals span methods to encourage the investigation of new medicinal uses for known pharmaceuticals and to provide new procedures for patent owners to limit their coverage, rather than losing it altogether in the event of a legal challenge. The deadline for responses is 19 February 2003. Full details of the proposal can be accessed at [www.patent.gov.uk](http://www.patent.gov.uk).

Thailand has enacted its Trade Secrets Act on July 22, 2002. The Act provides for a legislation to protect business information which is defined as "a material which communicates contents, matters, facts or anything, regardless of the means and form of such communication". The information in general also includes pricing information, customer lists, sales methods, manufacturing processes and know how. Such business information will not be considered as a trade secret if owners do not ensure to maintain its secrecy. Trade secrets according to the Act are infringed by -

- \* An act of disclosure,
- \* Using the trade secret without the consent of the owner,
- \* An act which is against commercial practice, of which the infringer is aware of, or has reason to be aware of,
- \* An act against commercial practice which includes breach of contract, infringement, motivating another to commit a breach of trust, bribery, intimidation, fraud, theft, receipt of stolen property or espionage by electronic methods or any other method.

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188747. Hindustan Lever Ltd., India (486/Bom/99)	population Method for the preparation of an aerated frozen product
188748. Hindustan Lever Ltd, India (551/Bom/99)	A cosmetic article for cleansing body surfaces
188749. Ritesh Choridia 56 Chandni Chowk Ratlam (589/Bom/99)	A process of preparing an herbal/ayurvedic composition from gaajirras and daoudhoor for the treatment of burns and secondary infections
188750. Dr Bakulesh Mafatlal Kharmar,India (626/Bom/99)	The process of manufacturing topical preparations with improved therapeutic index
188751. The Secretary Department of Biotechnology, Delhi (2350/Del/96)	A process for the preparation of highly mono dispersed polymeric hydrophilic nanoparticles
188752. SBL Ltd, India (0062/Del/98)	A process of preparing a synergistic medicinal composition for treatment of vaginal discharge and its associated problems
188753. Plus Chemicals Bv, Netherlands (517/Del/98)	Process for the production of a statin compound
188754. National Research Development Corp, Delhi(773/Del/98)	A process for the preparation of invert sugar from aqueous sucrose solution
188755. Montari Industries Ltd, India (1628/Del/98)	An improved process for the preparation of (-)-3-carene-5-one from (+)-3-carene by air/oxygen oxidation
188756. CSIR, New India (1972/Del/98)	An improved process for the preparation of technical grade azdirachtin
188757. Dabur Research Foundation, Ghaziabad (2195/Del/98)	A process for the preparation of 3n benzylidene derivative of beilunic acid
188758. CSIR, New Delhi (237/Del/98)	A process for the preparation of fermented silkworm pupae silage useful as an ingredient in animal feeds
188759. ICMR, New Delhi (834/Del/99)	A process for the preparation of a mixture of hypoglycemic compounds
188760. Rea Gesellschaft, Germany (437/Del/92)	An improved process for preparing biogas from waste materials and an apparatus for preparing the same
188761. The St And Ard Oil Co.,USA (1205/Del/92)	An apparatus and a process for producing an endothermic product
188762. Virgin Met Als (Canada) Ltd, Canada (0020/Del/93)	A process for the manufacture of magnetic gamma hematite by thermal conversion of iron ore
188763. Orbital Engine Co., Australia (0152/Del/93)	An improved nozzle for injection of fluids
188764. The Procter & Gamble Co., USA (0427/Del/93)	Method for making an absorbent article comprising an absorbent core having two types of fibers and fiber board for use in such a method
188765. National Research Development Corp, New Delhi (0586/Del/93)	A process for the preparation of ceramic cutting tool inserts of zirconia toughened alumina
188766. The Procter & Gamble Co, (620/Del/93)	A micropore artifact for use with a limiting orifice through air drying paper making apparatus
188767. De La Rue Giori Sa, Switzerland (722/Del/93)	An improved image processing apparatus

**Contd from...9**

### **International News....**

The remedies available under the Act are injunction - temporary and permanent and damages. In the event of the secret being made public, in bad faith or in order to maliciously damage business operations, the infringer would be liable for criminal penalties.

- Germany has now allowed trademark registration for three dimensional figures including the shape of goods or their wrapping and packaging. Following signs shall not be protected as trademarks f:

- \* They consist exclusively of a shape which results from the nature of the goods themselves,
- \* The shape is necessary to obtain a technical result; or
- \* The shape gives substantial value to the goods.

- IBM has obtained a patent (WO 02/25944) for a machine to make power point presentation. The machine is a full-function PC, complete with key board and mouse. It also has an internal lamp and lens that project the image onto a large wall screen.

- The Intellectual Property Research Institute of Australia (IPRIA) has started functioning at the University of Melbourne. IPRIA is undertaking high quality research to improve policy advice to Australian government, to improve the use of IP by Australian organizations and to improve the debate about IP issues in the Australian community.

- PharmaStem Therapeutics Inc has been awarded a US patent (Pat No 6, 461, 645) for pharmaceutical composition of human hematopoietic stem cells derived from umbilical cord or placental blood, cryopreserved for future therapeutic use.

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188768. CP Films Inc, USA (733/Del/93)	A process for producing a coloured polyester film
188769. CSIR New Delhi(997/Del/93)	An improved process for the production of zinc sulphate
188770. De La Rue Giori Sa, Switzerland (1058/Del/93)	Device for turning flat objects
<b>B. 9 November, 2002</b>	
188771. Gunter Richter, Germany (30/Bom/1998)	Device for protection of a large volume container and the process for its manufacture/production
188772. Dr Ajay Ranka, India (35/Bom/98)	A method of making functionalised polymeric hydroxy fatty acid
188773. Kaliprasad, India (98/Bom/98)	A machine for applying glue on the top surface of the corrugated paper ply for making corrugated board
188774. Hindustan Lever Ltd, India (129/Bom/98)	A process for the preparation of fatty acid dimers
188775. Andrew Corp, USA (131/Bom/98)	A coaxial connector
188776. Schlumpf Ag, Switzerland (132/Bom/98)	Device for clamping a sleeve onto a rotatable driven tube
188777. Filterwerk Mann +Hummel GmbH, Germany(144/Bom/98)	An improved air filter
188778. Hindustan Lever Ltd, Mumbai (158/Bom/98)	Cosmetic product for removal of keratotic plugs from skin pores
188779. Vishwas Vasudeo,India (194/Bom/98)	A novel prime mover for driving a pump for drawing water
188780. Precision Rubber Industries, Maharashtra (219/Bom/98)	Roller cover for drafting rollers in textiles spinning and the process of manufacturing the same
188781. Mr Nagindas Jamnadas, India (473/Bom/98)	Improved platetype oil cooler for an engine or a like machine
188782. Siekmann GmbH, Germany (477/Bom/98)	Universal safety syringe
188783. Yanik Gary, USA (474/Bom/98)	Improved optical activity detector for use with optically active compounds
188784. Mr Wen Neng Liu, China (546/Bom/98)	A safety syringe with retractable standard needle
188785. Usinor Immeuble La Pacific La Defense, Germany (562/Bom/98)	Side wall for closing off the casting space of a plant for the twin roll continuous casting of metal strip
188786. VIP Industries Ltd, India (574/Bom/98)	A briefcase capable of being opened varying degrees
188787. Bharat Bhogilal Patel, Mumbai (611/Bom/98)	An improved laser marking & engraving machine
188788. Tata International Ltd, Mumbai (612/Bom/98)	A process for the production of methane containing fuel gas and nitrogenous fertilizer by biomethanation of pelt/chromed leather solid wastes
188789. Tata International Ltd, India (613/Bom/98)	A process for the recovery of basic chromium sulphate (bcs) from chromed leather solid wastes

*The rest of the Patents for Opposition are continued in the Supplement along with the IPR Bulletin.*

## Domestic News

- A police raid has been conducted in two leading fashion institutes, National Institute of Design, Pitampura and JS Institute of Future Studies, West Patel Nagar. The police have seized several systems containing pirated Adobe software, Photoshop 5.0, Photoshop 5.5, Image Ready, Adobe Type Manager and Photoshop Deluxe. An FIR has been registered against the two centres for infringement of the Copyright Act.

**(Economics Times, 3 Dec 2002)**

- The Indian Petrochemicals Corporation Ltd has been awarded a US patent for developing a novel way for producing high-purity ethylene and propylene. The technique is extremely energy efficient as it eliminates the conventional technology which separates ethylene and propylene by developing the highly energy intensive cryogenic processes.

- Indian Immunologicals, wholly owned subsidiary of the National Dairy Development Board (NDDB) has filed a PCT application for combination vaccine containing DNA and low doses of cell culture vaccine for treating rabies. Indian Immunologicals has developed the vaccine in association with the Indian Institute of Science, Bangalore.

**(Journal of Intellectual Property Rights, November 2002)**

- India and Russia have signed a protocol on protection and uses of intellectual property rights. The protocol will speed up scientific and technological co-operation and implementation of joint projects, and allow effective acquisition, distribution, protection and sharing

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## PFC on the move...

- PFC organised three patent awareness workshops in the month of December 2002. First workshop was organised at Central Tasar Research and Training Institute, Central Silk Board, Ranchi, Jharkhand on December 3, 2002 which was attended by about 80 delegates. 65



(Workshop at Ranchi)

out of 80 were sericulture scientists from different parts of the country. Second workshop at Shivaji University, Kolhapur was organised in association with Science and Technology Cell, Govt. of Maharashtra on December 13, 2002. 120 participants attended this workshop. Third workshop was organised at MD University, Rohtak, Haryana on December 21, 2002 in association with Patent Information Centre, Chandigarh; the same was attended by about 200 scientists, technologists and academicians and research and postgraduate students.

- The following two US patents were granted by the USPTO to Department of Science and Technology :
  - a) Novel chiral derivatives of garcinia acid bearing lactone ring moiety and process for preparing the same. (Pat. No. 6489492)
  - b) Novel acyclic chiral derivatives of hibiscus acid and the process of preparing the same. (Pat. No. 6489493)
- Two Indian patent applications and one US patent application were filed during this period.

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### Domestic News....

of intellectual property created in the process.

(Economic Times, 6 Dec 2002)

- Dr Reddy's Laboratories Ltd (DRL) has won a patent dispute in the US against Pfizer. The victory paves way for the launch of a generic of Pfizer's \$2 billion heart drug Norvasc in the world's largest pharmaceutical market in 2003. A US court ruled that DRL's amlodipine maleate is not covered by an extension of Pfizer's patent on amlodipine besylate till 2007.

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### Websites....

Supplementary Protection Certificates for pharmaceuticals and can be accessed by free subscription

### 3.Traditional Knowledge databases listed by WIPO

<http://www.wipo.int/globalissues/tk/tkportal/index.html>

a)World Bank's IK Practices Database (IK=Indigenous Knowledge)

<http://www4.worldbank.org/afr/ikdb/search.cfm>

b)India's Health Heritage Test Database

<http://guest:guest@ipdl.wipo.int/en/search/tkdl/search-bool.html>

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

### NEXT ISSUE

- Case Study
- Case Law
- Patents for Opposition

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