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INTELLECTUAL PROPERTY RIGHTS (IPR)

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Bayh-Dole Act for managing IPR

Bayh - Dole Act of the US government has been in the news and a subject of discussions in India for some time now, especially in the last one year. Bayh-Dole Act applies to ownership and licensing of patents and new plant varieties only generated out of projects funded by the federal government. It allows universities, NGOs and small business firms to elect to retain the title to the intellectual property. The Act also applies to government owned inventions. The beneficiaries therefore are small business firms, non profit organizations such as universities and other institutions of higher education or an organization exempt from taxation or any non-profit scientific or educational organization. The Act covers only patents and new plant variety. Other forms of IPR such as industrial design, copyright, IC layout design are not covered.

The Bayh-Dole Act less commonly known as Patent and Trademark Law Amendment Act came into existence in 1980. The Act is codified in 35 USC§200 and implemented by 37 CFR 401. The responsibility of implementing the Act is that of the US Department of Commerce. There is an interesting background to the introduction of this Act.

Prior to this Act the US government had accumulated 30,000 patents; only 5% were licensed (about 1500 patents). Fewer than 250 patents were granted per year to universities prior to this Act. (Average filing by Indian universities is about 100 per year; granted would be much less.) Patents emerging from federally funded research

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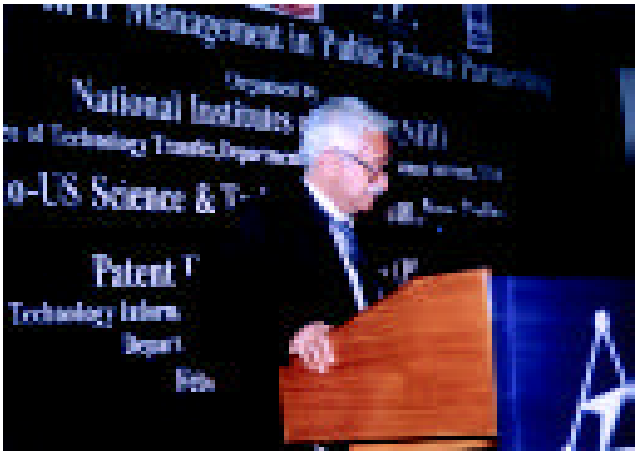
National Institutes of Health, USA and PFC launch a joint Project

NIH and PFC have joined hands with assistance from Indo-US Science & Technology Forum to train Indian professionals in IP licensing and management of IP in



Prof. V.S. Ramamurthy inaugurating the symposium

public private partnership. Some interns will also be trained at NIH, USA. Two three days workshops were recently held in Bangalore and Gurgaon on February 8-10 and February 13-15 respectively and a one day national symposium was held in New Delhi on February 17, 2006.
The symposium was inaugurated by the Secretary DST, Prof. V. S. Ramamurthy. The workshops were attended by about 75 participants coming from R&D institutes, government and private industries.

Following recommendations were made after the workshops for continue by partnership of NIH and PFC in this subject area :-

1. Capacity building efforts in training Indian professionals in IP management and licensing, inter-

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or research funded by federal agencies belonged to the federal government. Those interested in government owned IP had to deal with 26 different policies after the World War II. Historically, unification efforts for bringing these policies on one common platform started in 1963 but the ownership continued to stay with the federal government. In 1968 and 1973, University of Wisconsin started entering into Institutional Patent Agreements (IPA) which allowed the university to retain title to its inventions. Only two federal agencies Health and Human Services and National Science Foundation become part of such agreements (Source: Wikipedia, the free encyclopedia).

The remarkable thing is that the Bayh-Dole Act superseded as many as 11 existing Acts given below:-

1.	National Science Foundation Act	1950
2.	Atomic Energy Act	1954
3.	NASA Act	1958
4.	Coal Research Development Act	1960
5.	Helium Act Amendment	1960
6.	Arms Control and Disarmament Act	1961
7.	Federal Non-nuclear Energy R&D Act	1974
8.	Consumer Product Safety Act	1944
9.	Solid Waste Disposable Act	1961
10.	Foreign Assistance Act	1961
11.	Water Resource and Development Act	1978

Objectives and policies

The Act was promulgated with following policies and objectives:

1. Use patent system to enhance utilization of inventions arising out from federal supported R&D.
2. Encourage maximum participation of small business firms in federally supported R&D.
3. Promote collaboration between industries and non profit organizations.
4. Ensure that such inventions are used to promote competition and enterprise without hampering future research.
5. Promote the commercialization and public availability of inventions made in the US by the US industry and labour.
6. Ensure that government obtaind sufficient rights in federally supported inventions to meet government needs and protect the public against non-use or misuse of inventions.
7. Minimize cost of administering policies in this area.

It is true that small business firms and non-profit organizations in US have benefited a great deal by this Act. However, they have to meet all expenses towards obtaining, maintaining and managing IPR. No federal assistance is available to them for this purpose.

Conditions associated with implementing of the Act

The rights given by the federal government are closely linked to many obligation to be fulfilled by the grantee institutions. There is an elaborate procedure to be followed by the institutions for obtaining rights in their names and there is a system in place to monitor the functioning of the Act. There are many conditions associated with disposition of rights.

1. At least once every 5 years Comptroller General shall transmit a report on the functioning of the Act to the Committees on the Judiciary of the Senate and House of Representatives.
2. Each funding agreement with small business firm or non-profit organization shall contain appropriate provisions to effectuate the following:
   (i) Contractor will disclose each subject invention to the funding agency under the project with in two months of its identification by the concerned scientist working for the contractor
   (ii) If not disclosed with in the time the federal government may receive the title to the invention (This means that all inventions likely to be patentable will have to be communicated to the federal government well in advance)

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Know more about .....

(iii) Contractor has to make a written election with in two years after disclosure to retain the title to the invention.

(iv) Government may receive title to any invention which the contractor has not elected to retain rights or fails to elect rights with in such times

(v) Contractor electing rights in a subject invention agrees to file patent application. Federal government may receive title to any invention in the US or elsewhere in which the contractor has not filed patent applications. (Evidently, the funding agency must maintain a database of all inventions emanating from its industry.)

(vi) Federal agency shall have nonexclusive, nontransferable, irrevocable paid up license to practice or have practiced for or on behalf of the government through out the world.

(vii) Contractor shall submit periodic report to federal agency on utilization of inventions by the contractor or his assignees or licensee. As this information could commercial and financial information, the federal agency shall keep it confidential.

(viii) Each granted patent will carry a statement that the invention was made with government support and the government has certain rights in the invention.

(ix) The contractor will retain a non-exclusive royalty free license throughout the world to which govt. obtains a title except when the contractor fails to disclose the invention within the specified time.

3. In the event a subject invention is made under funding agreements of more than one agency, the agency shall designate one agency as responsible for administration of rights of the government in the invention.

Conditions for licensing

Each grantee institution has many obligations which need to be met and for which, the institution would have to have an elaborate documentation procedure, implementation procedures, reminder services and procedure for interacting with the concerned federal agency. These include:

1. They cannot assign rights to the subject invention in the USA without the approval of the federal agency *except* where an assignment is made to an organization which has as one of its primary functions the management of inventions (provided that such an assignee shall be subject to the same provision as the contractor e.g march in right of the federal agency).
2. Contractor shares royalties with the inventor (% share is not specified).
3. Contractor shall use royalties for scientific research and education.
4. Licensing of patents should be done to small firms unless it is found that small firms are not in a position to work the invention.
5. In case of government owned contractor operated facility, after payment of patenting costs, payments to inventor and other expenses incidental to the administration of the subject invention, 100 percent of the balance of any royalty or income earned and retained by the contractor during any fiscal year up to an amount equal to 5% of the annual budget of the facility shall be used by the contractor for scientific R&D and education consistent with the research and development mission and objectives of the facility, provided that if said balance exceeds 5% the annual budget of the facility, that 75% of such excess shall be paid to the Treasury of the USA and remaining 25% shall be used for the purpose stated above. (CSIR, ICAR, Central universities may fall in this category.) For example, consider a facility A having an annual budget of Rs 100 crore. Five percent of the budget would be Rs 5 crore. If A earns from IP licensing, its net income portfolio after removal of all the said expenses would be as shown below:-

Balance after costs

Rs 4 crore	Nothing goes to the treasury
Rs 5 crore	Nothing goes to the treasury
Rs 6 crore	Rs 4.25 crore to the facility and Rs. 0.75 crore to the treasury

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(Obviously, all the profits cannot be retained by the facility. It is presumed that government does want to keep a check on the commercial gain by the facility.)

Restrictions on the use of federally owned inventions

The federal government has put some restrictions on the utilization of federally owned inventions:

1. No federally owned invention can be licensed unless the person-requesting license has supplied a plan for development and/or marketing the invention.
2. Rights in USA can be granted only if a licensee agrees that any product embodying the invention or produced through use of the invention will be manufactured in USA.
3. Each federal agency may grant exclusive or partially exclusive license only if after public notice and opportunity for filing written objections it is determined that:-
   a. interests of the federal government and public are best served.
   b. the desired application has not been achieved earlier.
   c. the proposed terms of exclusivity are not greater than reasonably necessary to provide the incentive for bringing the invention to practical application.
4. No exclusive license shall be given if it will lessen competition or create situations inconsistent with antitrust laws.
5. First preference will go to small business firms.
6. Grant of license in any invention covered by a foreign patent is possible.
7. Periodic reporting on utilization or efforts is essential.
8. A license can be terminated if not executed according to the plan submitted.
9. A license can be terminated in public interest.
10. Reported information on utilization of invention after licensing may have business sensitive information. This may be kept confidential by the federal agency.

There are not many case laws emanating from the implementation of this Act. Few examples are given below:

1. **Campbell Plastics Engg. & Mfg. V Les Brownlee:** Campbell Plastics had a project from the US Army. Under Bayh Dole Act, the contractor was expected to disclose the subject invention to the federal agency which was not done. The court held, since the appellant failed to comply with the invention disclosure provision of the contract, the title to the invention should be transferred to the US Army.
2. Nobel Laureate (Chemistry 2002), John Fenn, now 87 years old, lost a case to Yale University (Feb.14, 2005) for wrongfully obtaining the rights in US Patent 5130538 on electrospray ionization mass spectrometry. As per Bayh Dole Act the rights should have gone to the Yale University where Fenn worked at the time of invention and the research was supported by federal funds. The court declared the action of Fenn fraud, civil theft and breach of fiduciary. (Source: IP Biz Feb 17, 2005)

There have been some criticisms about the manner in which this Act has been exploited by some agencies. The key criticism is that universities'inventions are being licensed at embryonic stage in order to earn revenue and such inventions need to be further worked upon for commercial applications. There is a hurry to protect inventions to attract venture funds. Such inventions are likely to be more susceptible to be on weak grounds in case of a litigation.

However, the filing by universities has increased many folds and consequently, universities have started earning money through IP licensing, ever since this act came into force. Funds so generated are mainly used for improving research facilities at universities and awarding inventors associated with the concerned IP.

Women work force in handling IPR matters

A batch of 28 women scientists was selected by PFC after an all India competition comprising of a written test and a rigorous interview in January 2006. They will be given on the job training in patent searches, patent interpretation and drafting, IPR laws including patent laws, preparing technology scan reports based on patent searches and other data using different patent databases, international treaties related to IPR, IP licensing and so on. On the job training would be provided at attorney firms and government agencies dealing with IP matters. They get a monthly stipend of Rs. 10,000 or Rs. 15,000 depending on their qualification; PhD, MTech or equivalent get Rs. 15,000 and the others get Rs. 10,000.

The present batch is the second batch recruited under the Women Scientist Scholarship Scheme launched by the Department of Science & Technology in 2002 for bringing back women scientists, who have been away from the mainstream for social and domestic reasons, to mainstream of science and technology. The long term perspective is that such trained women scientists will, in due course, practice from their houses along with their day to day responsibilities. The first batch had 15 women who are now actively practicing in the area of IPR in law firms.

It is an excellent example of public private partnership between law firms and the government. It is a win win situation for both; the government succeeds in achieving its broad objectives and law firms are able to get services of scientists with domain expertise. Most of the 28 women have been placed with the leading IP firms of the country such as Anand and Anand, Lakshmikumaran & Sridharan, K & S Partners, S. Majumdar and Co., Lall Lahiri and Salhotra and Subramaniam, Natraj & Associates. The other candidates are getting training with PFC, CSIR, ICMR and Patent Information Center (PIC), Punjab, an outfit of PFC.

As a part of the training all the candidates were given a solid foundation in IPR through a 3 weeks orientation programme held in January 2006 with the help of national and international experts in all areas of IPR. The topics included WTO Agreements, evolution of IPR system, introduction to IPR, international IPR treaties, Indian Patent Act, novelty and non-obviousness, Patent Cooperation Treaty, protection of new plant variety, protecting IC layout designs, protection of undisclosed information, copyright management, Trademark Act, introduction of geographical indications, industrial designs, copyright in digital environment, patenting of microorganisms, biotechnology patents, patenting in chemicals, infringement and revocation, patent searches, software and business method patents, management of IPR portfolio, introduction to European Patent Office, European perspective on novelty and inventiveness, IPR licensing, patent drafting, European perspective on opposition proceedings, protection of traditional knowledge, protection of pharma patents, enablement of claims, introduction to US patent system, searching STN database, patent mapping and technology scan reports and challenges faced by women scientists. There were as many as 45 lectures. Hands on training on patent searches was one important component of the programme.

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Women work force .....

PFC was lucky to get the services of national and international experts. The list of international experts included Dr. L. A. Fieler, ex official of EPO, Dr. Christopher Schoen, patent attorney from Munich, Dr. Ramesh Shukla, ex official of EPO, Dr. Tom Paul, patent attorney, USA, Mr. John Callahan, patent attorney, USA, Mr. Paul Krieger, patent attorney, USA, Judge Prof. Michael Fysh, UK and Baroness Dr. Susan A. Greenfield, UK. The list of Indian experts included Shri H. Subramaniam, Shri S. Majumdar, Shri D.C.Gabriel, Ms. Pratibha Singh, Ms. Rajeshwari, Shri Vikrant Rana, Dr. Indira Banerjee (IPR attorneys) and other experts like Dr. Malathi Laxmikumaran, Dr. L. Balasubramaniam, Dr. P.Ganguly, Shri R.K.Gupta (CSIR), Dr. Sudhir Kochar (ICAR), Shri K.S.Chari (MIT), Shri B.P.Singh (Patent Office) and Dr. K.Satyanarayana (ICMR).

There were a few lectures by inventors who had gone through the patenting exercise in real life and

A lecture in progress at the orientation programme

these were delivered by Dr. Matapurkar and Dr. Pratibha Jolly, Delhi University.

It is hoped that this initiative of PFC would help building up a large work force of women scientists having expertise in different domains of knowledge to handle conceptual, operational and management issues related to IPR in days to come.

Indian companies get license on vaccines from US Government

NIH during the period 2003-2005 licensed some of its IP on vaccines to Indian companies. The know how is at the early stages and the companies which have got the license to produce these vaccines would have to put in considerable effort in doing so including getting phase I, II and III trials. Under these licenses, biological material is provided to all the licensers and the licenses do entail some licensee fees.

Following is the list of licenses:

1. Indian Immunological Ltd.	Recombinant carrier proteins for conjugated vaccines
2. Serum Institute of India Ltd.	Rotavirus human-bovine vaccine Pertussis vaccine
3. Shantha Biotechnics Ltd.	Rotavirus human-bovine vaccine Pertussis vaccine
4. Bharat Biotech International Ltd.	Rotavirus human-bovine vaccine Pertussis vaccine
5. Biological E	Rotavirus human-bovine vaccine Dengue tetravalent vaccine
6. Panacea Biotech Ltd.	Dengue tetravalent vaccine Hair growth factor
7. BIOMED Ltd.	Pertussis vaccine

In addition to the above direct licenses, NIH has also adopted inter institutional approaches in licensing of IP. Examples are:

1. Conjugated meningococcal vaccine

This has been licensed to Serum Institute, India for distribution in Sub-Saharan Africa, Latin America, Caribbean, Asia, Middle East and Eastern Europe. The licensing has been achieved through involvement of PATH and WHO.

2. Biological materials for conjugated vaccine typhoid fever

This has been licensed to International Vaccine Institute (IVI) in partnership with the Serum Institute, India and Biopharma, Indonesia for distribution in Asia.

Recently it was reported in the Washington Post (March 15, 2006) that meningitis vaccine produced at the Serum Institute has cleared the phase I trials and it would also be tried in African countries.

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India still not in the first 10 countries in utilising PCT system

The number of patent applications originated in India and filed under the Patent Cooperation Treaty have increased over the years. However, according to a report published by the World Intellectual Property Organization (WIPO), India does not figure in the top 10 countries using the PCT system. Table I shows the number of PCT applications filed for 2004 and 2005 by the top countries using the PCT system. The Republic of Korea overtook the Netherlands as the 6th biggest user of the PCT and China dislodged Canada, Italy and Australia to take the position of the 10th largest PCT user. PCT applications of Indian origin stood at 784 and 648 in 2004 and 2005 respectively. The interesting fact that is evident from the table is that most impressive rates of growth came from north east Asia-namely, Japan, the Republic of Korea and China, which between them accounted for 24.1% of all international applications, compared to 34.6 % from the United States of America.

Table I

Country	2004	2005 Estimate
United States of America	43,464	45,111
Japan	20,223	25,145
Germany	15,255	15,870
France	5,181	5,522
United Kingdom	5,041	5,115
Republic of Korea	3,554	4,747
Netherlands	4,236	4,435
Switzerland	2,881	3,096
Sweden	2,844	2,784
China	1,706	2,452
Canada	2,109	2,315
Italy	2,196	2,309
Australia	1,837	2,022
Finland	1,672	1,866

The encouraging picture is that among PCT applications originating in developing countries, India occupies the third position after Republic of Korea and China. Among the top 10 users of the PCT among developing countries, CSIR and Ranbaxy occupy 4th and 5th positions respectively. Table II shows the top 10 PCT applicants in 2005. Again no Indian company has figured in the top 10 companies filing applications through the PCT route.

The top 10 corporations filing PCT applications when compared with the top ten recipients of the US patents in the year 2005 highlight the fact that filing PCT applications do not really present a true picture of relative IP generating capacity of different companies in the member countries. Table III shows the top ten corporations receiving US patents in 2005. Intel is the only company that figures in top 10 US patent recipients and 10 ten PCT filing companies.

Table II

Applicant	Total	Ranking
Koninklijke Philips electronics N.V	2492	1
Matsushita Electric Industrial Co. Ltd.	2021	2
Siemens Aktiengesellschaft	1402	3
Nokia Corporation	898	4
Robert Bosch GMBH	843	5
Intel Corporation	691	6
BASF Aktiengesellschaft	656	7
3M Innovative Properties Company	603	8
Motorola Inc	580	9
Daimlerchrysler AG	567	10

Table III

Preliminary Rank in 2005	Organization	Preliminary Number of Patents in 2005	Number of Patents in 2004
1	International Business Machines Corporation	2,941	(3,248)
2	Canon Kabushiki Kaisha	1,828	(1,805)
3	Hewlett-Packard Development Co., L.P.	1,797	(1,775)
4	Matsushita Electric Industrial Co., Ltd.	1,688	(1,934)
5	Samsung Electronics Co., Ltd.	1,641	(1,604)
6	Micron Technology, Inc.	1,561	(1,760)
7	Intel Corporation	1,549	(1,601)
8	Hitachi, Ltd	1,271	(1,513)
9	Toshiba Corporation	1,258	(1,311)
10	Fujitsu Limited	1,154	(1,296)

There has been an overwhelming concern in India about patents in the area of pharmaceuticals and chemicals. On the contrary, most companies in the above lists have their major innovations in the area of electronics including software. Is that the real trend? Perhaps yes; that is the global wisdom. We need to revisit our perception in the country about monolithic importance being attached to pharma patents if we want to focus on innovations.

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Case Study

A US patent on an electronic circuitry

Recently, a US patent has been granted to Honda Motors Co., Ltd. for a circuit for preventing erroneous illumination of light emitting diodes (LEDs) even after the supply voltage is removed. Honda is likely to use this invention in the brake lights where in the LEDs are illuminated when brakes are applied and switched off when the brakes are released. This patent can be an inspiration and an example for the young, aspiring electronics engineering students and academicians teaching electronics in engineering colleges that simple inventions can be patented and applied in actual pratice.

Background of the invention

A conventional circuit for switching on and off an LED is shown in the figure 1. As the switch 7 is closed, current flows through the LEDs 1-3 and resistor 4-6 to illuminate the LEDs. Sometimes when the switch 7 is opened, LEDs 1-3 remain illuminated due to leakage of the switch and high impedances of LEDs.

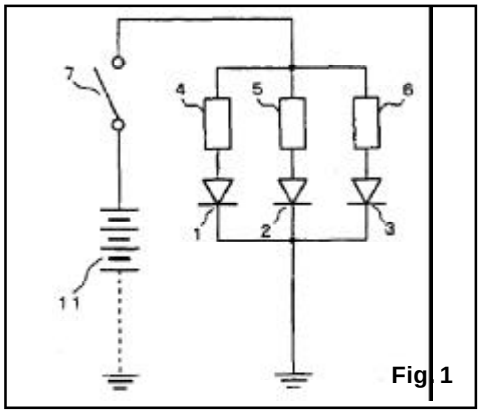

Fig 1

Connecting resistors in parallel can reduce high impedances of LEDs. Therefore the value of such resistors has to be reduced to the leakage resistance value of the switch. This causes an apparent increase in load and also large capacity resistors are required to prevent heating. All this arrangement leads to reduction in layout flexibility and increased costs.

It is also reported that constant current source circuit has been used to prevent erroneous lightening of the LEDs but that also complicates the circuit and therefore increases the cost.

Present invention

The object of the present invention is to provide a LED lighting circuit which can prevent erroneous lighting of LEDs when a switch is opened, with a relatively simple circuit structure. Fig 2 shows an example of a LED lightening circuit, which is used as a stop lamp for a motorcycle.

The light circuit of the LEDs 9 has a NPN transistor 12 which serves as a semiconductor switching device and is connected to a cathode sides of the LEDs 9, and a differential amplifier 13 provided at a preceding stage of the transistor 12. The positive input side of the differential amplifier 13 is connected to the battery 11 through the switch 14, and is also grounded through the reference resistor Rref. The negative input side of the differential amplifier 13 is connected to connection ends of the resistors R1 and R2 which divide a voltage of the battery 11. The other end of the resistor R1 is connected to the battery 11, and the other end of the resistor R2 is grounded. An input protective resistor Rb is connected between an output side of the differential amplifier 13 and the base of the transistor 12. Further, the output side of the differential amplifier 13 is pulled up by the resistor Rup. The switch 14 which is interlocked with a braking operation means of a motorcycle, i.e., a brake lever or a brake pedal, is usually open, and closed while braking.

Once the brakes are applied while driving, the switch 14 is closed and the voltage of the battery is applied to the positive input side of the differential amplifier 13. The voltage divided by the voltage-dividing resistors R1 and R2 is applied to the negative input side of the differential amplifier 13. Therefore, an output is produced in the differential amplifier 13 by a discrepancy between the voltages of the positive and negative input sides. Thereafter, this output is applied to the base of the transistor 12 through the input protective resistor Rb. Due to this, the transistor 12 is turned on, and current flows in the LEDs 9. Then, the LEDs 9 are illuminated.

Considering the leakage of the switch 14, both ends of the switch 14 are connected through the leakage resistor Rs even when the switch 14 is open. Therefore, a condition in which the LEDs 9 are illuminated when the switch 14 is open, that is, a condition in which the differential amplifier 13 produces

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Case Study .....

an ON output is that Rs<(R1/R2).times.Rref is held. Rs denotes the leakage resistance value, and R1 and R2 denote the resistance values of the voltage-dividing resistors R1 and R2.

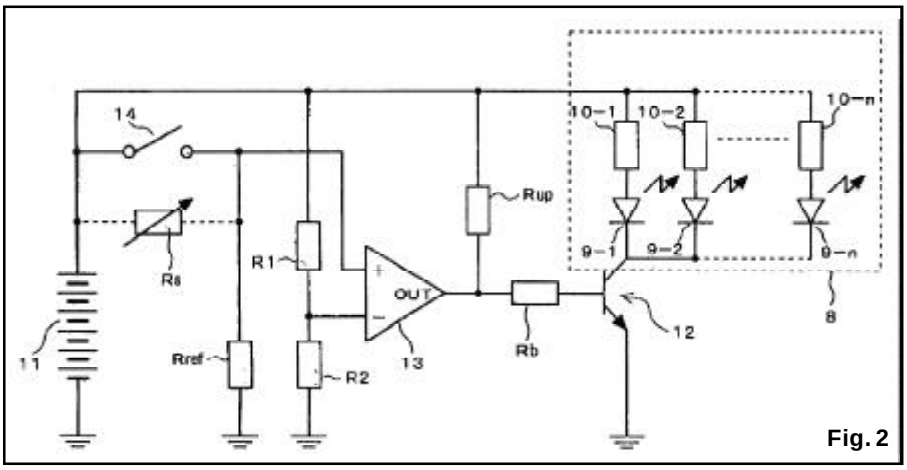

Fig. 2

Specifically, when the resistance value (R1/R2).times.Rref is greater than the leakage resistance value Rs, there is a possibility that the LEDs 9 are illuminated even when the switch 14 is open.

Accordingly, the resistance values of the resistors R1, R2 and Rref are decided such that the resistance value (R1/R2).times.Rref is smaller than the minimum value of the predicted leakage resistance Rs. The leakage resistance value Rs can be investigated in advance.

Claims

The invention has 20 claims. A few of them are given below:

1. A light-emitting diode lighting circuit for activating a semiconductor switching device to illuminate at least one light-emitting diode, the light-emitting diode lighting circuit comprising: a differential amplifier provided at a preceding stage of the semiconductor switching device; a switch for inputting a supply voltage to a positive input side of the differential amplifier; a reference resistor having one end connected to the positive input side of the differential amplifier, and the other end grounded; and at least one voltage-dividing resistor connected to a negative input side of the differential amplifier for dividing the supply voltage, wherein a resistance value Rref of the reference resistor and a resistance value R1/R2 of the voltage-dividing resistors are decided such that a relationship between a leakage resistance value Rs of the switch and both resistance values Rref and R1/R2 becomes Rs>(R1/R2).times.Rref.

2. The light-emitting diode lighting circuit according to claim 1, wherein the light-emitting diode is a light for an in-vehicle lighting device, and the switch is for illuminating the lighting device.

3. The light-emitting diode lighting circuit according to claim 1, and further including a resistor operatively connected to an output side of the differential amplifier in series with light-emitting diode lighting circuit.

4. The light-emitting diode lighting circuit according to claim 1, wherein the semiconductor switching device is a NPN transistor.

5. The light-emitting diode lighting circuit according to claim 17, wherein the negative input side of the differential amplifier is operatively connected between the two resistors R1, R2 and the relationship between the leakage resistance value of the switch and both the resistance values Rref and R1/R2 becomes Rs>(R1/R2).times.Rref.

6. The light-emitting diode lighting circuit according to claim 11, wherein a voltage of the negative input side of the differential amplifier is within a range of 1/10 and 1/20 of a supply voltage.

However, the present invention is not limited to this embodiment, and can be broadly applied to circuits for illuminating LEDs in in-vehicle lighting devices such as a winker and a position lamp. When the LEDs are used for a winker, the switch 14 is interlocked with a turn signal operation lever. When the LEDs are used for a position lamp, the switch 14 is a switch for lighting the position lamp.

It may be noted that the inventiveness lies in finding a solution to a problem experienced by the industry and novelty lies in the fact that no one has used this circuit earlier.

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Case Law

Versus

GLUCON-D **GLUCOSE-D**

A trademark infringement case fought between Dabur and Heinz Italia over the use of the trademark GLUCON-D and GLUCOSE-D was recently decided in favour of Dabur India Ltd. by the High Court of Punjab and Haryana at Chandigarh. The case was earlier decided by the Additional District Judge, Gurgaon and was later appealed by Heinz in the High Court.

About the case

GLUCON-D has been in use for the long time in India and sold in a green coloured package. It has been registered as a trademark since 1975 in the name of Glaxo Laboratories and later in 1994 became the property of Heinz Italia (SRI). In 2002, Heinz spotted Dabur India Ltd. selling a product under a trademark GLUCOSE-D in a packet deceptively similar to the packet containing GLUCON-D. Heinz filed a suit in the District Court, Gurgaon for infringement and passing off against Dabur and appealed for grant of an interim injunction restraining Dabur from using the trademark GLUCOSE-D. The main allegation of Heinz was that package of GLUCOSE-D was so identical to that of the GLUCON-D that the average man of imperfect reflections was bound to get confused by the overall impression of the packaging.

Dabur's reply to Heinz's allegations

1. Dabur said that GLUCOSE was a generic name over which no one had any monopoly.
2. Dabur also pleaded that there was no deception nor any similarity between the cartons of the two products as Heinz had described its product as "GLUCON-D instant energy" within a triangle whereas no such triangle was used by Dabur. Dabur had used the words "Dabur GLUCOSE-D" with a yellow slanting strip running beneath containing wards "non-stop energiser" instead of words "instant energy" used by Heinz. Also Dabur's packet had the picture of a young boy jumping with a football touching his head and a clock running on his side. This feature was missing on Heinz packet.
3. The green colour used by Dabur symbolised "vegetarian food" and was chosen under the Provisions of Prevention of Food Adulteration Rules, 1995.
4. Dabur also stressed the point that their packet was in the market since 1989 and the suit was filed in the year 2003, within which time Heinz never raised any objections.

Going by the pleadings of both the parties, the court was of the view that there was neither any prima facie case nor any balance of convenience involved or made out justifying the claims of Heinz. Hence court was of the view that there was no merit in the appeal. Therefore, the court dismissed the case without any costs and Dabur won the case.

Domestic News

An American firm has got the trademark of "Jeevani", a popular herbal compound with the regenerative powers, developed with the active participation of tribals of Kerala. Jeevani, an ethno-pharmacological herbal compound made from indigenous medicinal plant extracts, was developed by Tropical Botanical Garden and Research Institute (TBGRI) with the help of native knowledge of tribal communities of Kerala. The product was freely sold in the US market without the knowledge of TBGRI. However, the company has now withdrawn its claim due to controversy.

(The Pioneer, Jan 6, 2006)

The Supreme Court in response to a PIL asked Centre for taking steps to revoke the patent granted on the "Naphal" variety of wheat used commonly in India, to a UK firm. However, the prohibitive cost of challenging the patent (3-5 million USD) has played a major role in the decision of government of not going for the litigation. Moreover, the patent is only till 2010.

(The Times of India, Jan 8, 2006)

A study by the Business Software Alliance (BSA), the international association of the world's commercial software industry, found that 73% of the software installed on PCs in India in 2004 was pirated, representing a loss of Rs 23,355 crore. It has been estimated that a 10% reduction in the piracy in the next four years in India, would enable

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Litigation Watch

RATES Technology (RTI), which holds patents for the process by which most internal phone calls are made, sued Google in October over its web-based phone calling system. RTI estimated the damages to reach $5 billion from this lawsuit.
(Economic Times, Jan 2, 2006)

Global coffee giant Starbucks has won a two-year copyright battle against Xingbake –Chinese Co. claiming that it had copied its logo and name. A Shanghai court ordered Xingbake Coffee Co. to pay 500, 000 Yuan ($62, 560) to compensate the damages.
(Asian Age, January 3, 2006)

Top global mobile phone maker Nokia has resolved its patent dispute with Japan's Kyocera, which will pay royalties to Nokia for all its CDMA mobile phone and module products. Nokia and Kyocera, the world's top maker of ceramic casings for chips, have been involved in a series of patent disputes relating to mobile phone products since February 2004.
(Economic Times, Jan 11, 2006)

The Swiss pharmaceutical giant Novartis AG has lost a patent claim to Natco Pharma Ltd., a Hyderabad based pharma company for an anti-cancer drug Imatinib Mesylate- before the office of the Indian Controller of Patents and Designs. The patent was rejected on the grounds- anticipation by prior publication, obviousness, priority and the product was a derivative of a known substance.
(Business Line, January 26, 2006)

Ranbaxy has opposed the multinational drug maker Eli Lilly's patent application for erectic dysfunction drug, Cialis, at the pre-grant opposition stage in India.
(Economic Times, Jan 28, 2006)

Madonna's "Single Frozen" will no longer be distributed in the US as the court established it to be a copy of the song by Belgian artist Salvatore Acquaviva and found that the similarities between the tunes were more than coincidental.
(Copyright World, Dec 05/Jan 06)

Gillette Co & Energizers Holdings Inc.'s Schick unit settled the "vast majority" of lawsuits between them; including one that will ensure the Schick Quattro razor remains on the market. Gillette, a unit of Procter &Gamble Co., claimed that the Quattro infringes its patents for multi-bladed razors and had sought to get the razors pulled from the market. The patent covered Gillette's best-selling Mach-3 product line, which has three blades.
(Business Line, Feb 18, 2006)

Nike Inc. filed a patent infringement lawsuit against Adidas-Salomon claiming that it is making shoes using elements of Nike's SHOX cushioning technology. Nike alleged that the new Kevin Garnett signatured shoe by Adidas and its A3 shoes are among the footwear that violates the Nike patent.
(Asian Age, Feb 18, 2006)

A US judge has ruled in favor of Britney Spears in a music copyright-infringement lawsuit filed against the pop star over the song "Sometimes". The suit was filed by Steve Wallace, who submitted an email as an evidence, that he claimed was written by Britney Spears admitting Mr. Wallace wrote the song. The judge disallowed this as evidence believing it to be a fake.
(Copyright World, Dec 05/Jan 06)

The music man Simon Fuller's £100 million copyright claim against Simon Cowell over the issue of TV show Pop Idol has been dropped after the two sides reached a settlement. Mr. Fuller's company

Contd on...12

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Domestic News .....

the IT sector to boom from Rs 33,300 crore to Rs 87,750 crore.
(The Times of India, Jan 10, 2006)

Bangalore based Sobha Renaissance Information Technology (SRIT), had signed an agreement with Australian firm Ortex Global Solutions to acquire 100% of latter's IPRs and 1000 installed bases of its software products for an undisclosed amount.
(Economic Times, Jan 13, 2006)

Konkan Railway has been granted a patent in India and South Africa for its anti-collision device known as "Raksha Kawach". The patent application for the device has also been filed in the US, European and Asian countries and is under process.
(Asian Age, Jan 21, 2006)

The Indian Patents Office has granted its first ever product patent recognized in India, to a Swiss pharma major F. Hoffmann La-Roche (Roche). The patent has gone to Pegasys, Roche's therapy for Hepatitis-C, for twenty years starting May 15, 1997. Roche had applied for the Pegasys patent under the Mailbox facility. The cost of treatment with Pegasys by Roche is around Rs. 2.5 lakh for a 24 weeks therapy, which includes diagnostic tests and the drug Ribavirin.
(Indian Express, March 4, 2005)

Kullu shawls and Kangra tea has been accorded a geographical indication status by the efforts of Himachal Pradesh Patent

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Litigation Watch .....

19 entertainment which created Pop Idol and American Idol, was taking action against Frementle Media, Mr. Cowell and his firms Simon and Syco.

(Copyright World, Dec 05/Jan 06)

The maker of the Black Berry e-mail device had settled its long-running patent dispute with a Virginia-based firm NTP Inc., averting a possible court-ordered shutdown of the Black Berry systems and disruption of wireless services for million of users. Research In Motion Ltd. had paid NTP Inc. $612.5 million in a "full and final settlement of all claims".

(Hindustan Times, March 6, 2006)

Five lawsuits between Zoran Corporation and Media Tek Corp. have finally been settled after 2 years. Media Tek agreed to pay Zoran US $ 85 million in a one-time payment and $ 30 million in royalties over the next 30 months. The string of lawsuits between the companies started in 2004, when Zoran sued Media Tek for patent infringement on processors for optical storage systems in PCs, drives for DVD recorders and players, drives for CD recorders and players and other devices.

(Patent World, March 2006)

Microsoft Corp. has won a lawsuit in which Research Technologies Inc. (RCTI) accused it of infringing patents for a process to improve images on computer screens. RCTI claimed that the technology was used in the Windows Operating system and Microsoft Office. US District Judge said that three patents owned by RCTI could not be enforced because the inventors had with held "material information" from the USPTO.

(Patent World, March 2006)

Toshiba won a patent lawsuit against South Korean rival Hynix Semiconductor in a Tokyo court over NAND flash memory chips widely used in cell phones, digital cameras and portable music players. The court ordered that sales of Hynix products found to be in violation be halted in Japan and ordered Hynix to pay Toshiba 7.8 million yen ($ 67,000) in damages.

(Economic Times, March 25, 06)

The Bombay High Court has ordered alcohol manufacturer Jai Distillers to stop using its logo, because it is similar to that of Airtel, on their liquor bottles. The order comes after Bharati Cellular Ltd., owner of the Airtel brand, which provides telecommunication services, dragged the distiller to court for 'using its logo' to sell alcohol.

(Mumbai Mirror, March 28, 2006)

The Delhi High Court has restrained UP-based Real Beverages from manufacturing, selling and advertising bottled water packets, packaged soda or any other beverage under the trademark "Real" on a petition by Dabur group. Dabur manufactures fruit juices under the "Real" brand name.

(Business Standard, March 29, 06)

The publishers of "The Da Vinci Code", the blockbuster novel by US author Dan Brown, won their UK court case over accusations of plagiarism. "The Da Vinci Code" is one of the most successful novels of all time with sales of over 40 million copies. It was allegated by two historians that Brown used some of the ideas from "The Holy Blood and The Holy Grail", a 1982 work of historical importance by Michael Baigent and Richar Leigh.

(Deccan Herald, April 8, 2006)

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Domestic News .....

Information Centre (HPPIC) established by Technology Information, Forecasting and Assessment Council (TIFAC), Department of Science & Technology, Govt of India. This will prevent unauthorized production as well as marketing of these well known products.

(Himachal Pradesh Govt. Official Home Page)

George Washington University (GWU) and IIT, Kharagpur signed a technical collaboration agreement to mark the commencement of "India Project", - collaboration between India and the US in the emerging field of formal education in IP Laws in the country. The first school of IP Law in India, which has been named Rajiv Gandhi School of Intellectual Property Law (RGSOIPL), will start its academic courses from July 2006. The institute will seek to fulfill the immediate need for a large number of Indian lawyers well versed in Intellectual Property Law. The eligibility for both courses shall be Degree in Engineering/Technology or PG Degree in any branch of science or MBA. The starting programme will be a 3 year, 6 semester, full time, residential course leading to a Degree of Bachelor of Law in Technology and IP Law at par with the LL.B. Degree requirements of the Bar Council of India; and a one and a half year, 3 semester, part time, non-residential course to be based at Kolkata and Bhubaneshwar, leading to a Post Graduate Diploma in IP Law.

Contd on...13

Design Registration

The following design applications have been accepted by the Design Wing of Patent Office, Kolkata and published in the Gazette of India. These are now available for public inspection in the Patent Office Kolkata. The class of design, date of registration, applicant name address and design title have been published here. Photogaph (B/W) of the designs are also published in the Gazette. A design can be inspected in the Kolkata Patent Office with application in Form 5 along with a fee of Rs. 500/- (Rupees five hundred only)

Number	Applicant	Design Name	Class	Registration
A. Jan 7, 2006				
198037	MERLONI THERMOSANITARI (INDIA) LTD.	GEYSER	09-01	12/31/2004
198189	SAMRUDDHI INDUSTERIES LTD.	TRAY	23-03	1/12/2005
196849	KHADIM HOLDINGS PVT.LTD.	FOOTWEAR	07-05	9/1/2004
198365	ALERT INDIA	SOLE FOR FOOTWEAR	02-04	1/28/2005
198579	VICTORY TECHNOPLAST	TOY	21-01	2/22/2005
198366	ALERT INDIA	SOLE FOR FOOTWEAR	02-04	1/28/2005
196938	ITALIK METALWARE	HANDLE	08-06	9/8/2004
196937	ITALIK METALWARE	HANDLE	08-06	9/8/2004
197970	REHMAN SONS	TOY	21-01	12/22/2004
198354	LG ELECTRONICS INDIA PVT LTD	PANEL FOR WASHING MACHINE	15-05	1/31/2005
198036	MERLONI THERMOSANITARI (INDIA) LTD.	GEYSER	23-03	12/31/2004
198431	IMD GROUP LTD.	DEVICE FOR THE COLLECTION & DISPOSAL OF SHARPS	24-99	8/25/2004
198358	LG ELECTRONICS INDIA PVT LTD	COVER FOR TV	14-03	1/31/2005
198150	SADHOO ENTERPRISES	BOTTOM OF THE SOLE	02-04	1/6/2005
198344	SITLAX INDIA	WASTE BASKET	09-04	1/28/2005
198346	SITLAX INDIA	WASTE BASKET	09-04	1/28/2005
198345	SITLAX INDIA	WASTE BASKET	09-04	1/28/2005
198342	SITLAX INDIA	SOAP DISPENSER	09-01	1/28/2005
198343	SITLAX INDIA	SOAP DISPENSER	09-01	1/28/2005
197894	ECOMPOST PTY LTD.	AN AERATOR FOR A COMPOSTING BIN	09-07	6/16/2004
197761	M/S JOGINDER SINGH TEJVINDER SINGH	BICYCLE PADDLE	12-11	12/10/2004
198289	FLAIR WRITING AIDS	PEN	19-06	1/13/2005
198491	ESWAR ENAMEL SLATE INDUSTRIES	SLATE	19-06	2/8/2005
198490	ESWAR ENAMEL SLATE INDUSTRIES	SLATE	19-06	2/8/2005
198677	M/S ELECTRONIC RELAYS (INDIA) PVT. LTD.	ELECTRONIC SWITCH	13-03	3/3/2005
198531	M/S VEER CREATION	CONTAINER	09-03	2/15/2005
197019	RAMAVTAR SAROGI	FLY TRAP	22-06	9/16/2004
197809	HUGHEN GERRAD THOMAS	SWIRL FOR PLASMA TORCH	99-00	12/6/2004
196602	MOBILITY ELECTRONICS, INC.	CONNECTOR	13-03	5/26/2004
197310	FINANCIERE DES APPLICATIONS DE	LIGHTING APPARATUS	26-04	4/16/2004
197311	FINANCIERE DES APPLICATIONS DE	LIGHTING APPARATUS	26-04	4/16/2004

Contd from...12

Domestic News .....

Admission will be a two-step process; all India written tests for entrance followed by GD/PI.

(Deccan Herald, Jan 31, 2006)

An interministerial committee has been set up by the government to examine whether India should protect the costly data generated by pharmaceutical and pesticide companies. The committee will also study draft agreements at WTO on IPR to see whether provisions for data protection have been diluted in favour of poor countries.

(Economic Times, Jan 18, 2006)

International News

An agreement between the US Patent and Trademark Office (USPTO) and the Korean Intellectual Property Office (KIPO) came into effect on January 1, 2006. This agreement allowed KIPO to act as an international searching and examining authority for international applications filed with the USPTO under the Patent Cooperation Treaty. This action will benefit the ongoing USPTO efforts to bring down the growing backlog of US national patent applications waiting to be examined.

(Patent World, February 2006)

Google has added an extra feature to the advanced search function on its website through "Usage Rights" which allows users to filter the search results by copyright provisions that allow re-use, sharing and modifying and commercial utilization of the material.

(Copyright World, Dec 05/Jan 06)

Contd on...14

Number	Applicant	DesignName	Class	Registration
197890	ECOMPOST PVT. LTD.	AN AERATOR FOR A COMPOSTING BIN	09-07	6/16/2004
198193	GURPREET CYCLE INDUSTRIES	PADDLE FOR BICYCLES & RICKSHAWS	12-11	1/12/2005
197780	SHIVA ENGINEERING WORKS	HACKSAW CUTTER	08-03	12/7/2004
198296	BIRDI ENGINEERING INDUSTRIES	CARRIER FOR BICYCLE	12-11	1/24/2005
197778	ROYAL SALES CORPORATION	SADDLE FOR BICYCLE	12-11	12/7/2004
197830	COSCENTRA BV	BOTTLE	09-01	12/14/2004
193355	G. SURGIWEAR LTD.	DRAPE	02-02	9/29/2003
193353	G. SURGIWEAR LTD.	DRAPE	02-02	9/29/2003
198481	M/S ANMOL HEALTH CARE PVT.LTD.	CONTAINER	09-01	2/11/2005
198530	KENT R-O SYSTEMS	WATER PURIFIER	23-01	2/16/2005
193354	G. SURGIWEAR LTD.	DRAPE	02-02	9/29/2003
197868	TRISTAR INTECH PVT. LTD.	EXPANSION JOINT	08-05	12/14/2004
197865	TRISTAR INTECH PVT. LTD.	EXPANSION JOINT	08-05	12/14/2004
197864	TRISTAR INTECH PVT. LTD.	EXPANSION JOINT	08-05	12/14/2004
197875	TRISTAR INTECH PVT. LTD.	EXPANSION JOINT	08-05	12/14/2004
198266	NILKAMAL PLASTICS LTD.	SOFA	06-01	1/25/2005
198757	MULDER (INDIA) PVT.LTD.	TILE	25-01	3/14/2005
198760	MULDER (INDIA) PVT.LTD.	TILE	25-01	3/14/2005
198759	MULDER (INDIA) PVT.LTD.	TILE	25-01	3/14/2005
198758	MULDER (INDIA) PVT.LTD.	EXPANSION JOINT	25-01	3/14/2005
197873	TRISTAR INTECH PVT. LTD.	EXPANSION JOINT	08-05	12/14/2004
197872	TRISTAR INTECH PVT. LTD.	EXPANSION JOINT	08-05	12/14/2004
197867	TRISTAR INTECH PVT. LTD.	EXPANSION JOINT	08-05	12/14/2004
197866	TRISTAR INTECH PVT. LTD.	EXPANSION JOINT	08-05	12/14/2004
197876	TRISTAR INTECH PVT. LTD.	EXPANSION JOINT	08-05	12/14/2004
197869	TRISTAR INTECH PVT. LTD.	EXPANSION JOINT	08-05	12/14/2004
197870	TRISTAR INTECH PVT. LTD.	EXPANSION JOINT	08-05	12/14/2004
197871	TRISTAR INTECH PVT. LTD.	EXPANSION JOINT	08-05	12/14/2004
197874	TRISTAR INTECH PVT. LTD.	EXPANSION JOINT	08-05	12/14/2004
198399	PIDILITE INDUSTRIES LTD.	JAR	09-01	1/31/2005
198401	PIDILITE INDUSTRIES LTD.	JAR	09-01	1/31/2005
B. Jan 14, 2006				
197321	HENKEL KOMMANDITGESELLSCHAFT AUF AKTIEN	TAPE DISPENSER	19-02	4/23/2004
197322	HENKEL KOMMANDITGESELLSCHAFT AUF AKTIEN	TAPE DISPENSER	19-02	4/23/2004
198017	KONINKLIJKE PHILIPS ELECTRONICS N.V.	DESK LAMP	26-05	6/30/2004
197782	M/S BHARAT FRITZ WERNAR LTD.	CLADDING MACHINE	15-09	12/7/2004
197643	OSAW INDUSTRIAL PRODUCTS PVT. LTD.	POWER SUPPLY APPRATUS	10-06	11/17/2004
197971	SURYAKNAT MAGANBHAI PATEL	RAZOR	28-03	12/22/2004
198190	SAMRUDHI IND. LTD.	TRAY	07-05	1/12/2004
196954	SANFORD	CORRECTION MARKER WITH ROTATABLE PROTECTING COVER	19-06	3/15/2004
197716	M/S DELHI CONTROL DEVICES PVT. LTD.	METER BOX	13-03	11/17/2004
198016	KONINKLIJKE PHILIPS ELECTRONICS N.V.	DESK LAMP	26-05	6/30/2004
198377	K.M. ENTERPRISES	BREAD MAKING MACHINE	31-00	1/28/2005
197070	CENTURY LAMINATING CO. LTD.	BED	06-05	9/28/2005
197069	CENTURY LAMINATING CO. LTD.	BED	06-05	9/28/2005
197930	GLAXOSMITHKLINE CONSUMER HEALTHCARE GMBH CO. KG.	TOOTHBRUSH WITH CLIP ATTACHMENT	04-02	6/22/2004
197324	HENKEL KOMMANDITGESELLSCHAFT AUF AKTIEN	TAPE DISPENSER	19-02	4/23/2004

Contd from...13

International News .....

For 13th consecutive year, IBM topped the list of US patent holder, with 1,100 more patents than any other company. IBM's patents included IPRs related to its main business: computer systems and storage, micro-processors and semiconductor manufacturing techniques, software and computer services.

(Economic Times, Jan 11, 06)

China has reported that more than 130,000 patent applications were received in the year 2005. Efforts are being made for proper protection of intellectual property rights in the country.

(Patent World, February 2006)

Japan's Toshiba Corp & South Korea's LG Electronics had agreed to cross-license optical disc patents to cut development costs and reduce the time to bring related products to the market. The Toshiba-LG agreement would enable the two to access each other's patents and technologies, and covers optical discs, disc drives, players and recorders.

(Economic Times, Feb 10, 06)

A military vehicle crushed pirated CDs and DVDs in Manila as part of the Philippine government move to destroy illegal copies of audio and movie discs, which are widespread in the country.

(Times of India, Jan 30, 2006)

China's National Copyright Administration has planned to crack down on independent rights management companies, insisting

Contd on...15

Number	Applicant	Design Name	Class	Registration
197647	NATURESSE CONSUMER CARE PROD. PVT. LTD.	BOTTLE	09-01	11/18/2004
198357	LG ELECTRONICS INDIA PVT LTD.	GRILLS FOR AIR CONDITIONER	23-04	1/31/2005
198197	GALAXY FOOLWEAR PVT. LTD.	SHOE	02-04	1/13/2005
197409	LISUS TECHNOLOGY PTE LTD.	GLASS TO GLASS CONNECTOR	25-02	10/26/2004
197410	LISUS TECHNOLOGY PTE LTD.	GLASS TO WALL CONNECTOR	25-02	10/26/2004
198582	HANA COBI CO. LTD.	LID FOR CONTAINER	09-07	12/20/2004
198006	SOCIETE BIC	RAZOR UNIT HANDLE	28-03	7/20/2004
198581	HANA COBI CO. LTD.	LID FOR CONTAINER	09-07	1/21/2005
197100	BAJAJ AUTO LTD.	MOTORCYCLE	12-11	9/30/2004
197209	R&B UK JK LTD.	ACCESS COVER	25-02	4/8/2004
197566	INTER IKEA SYSTEMS B.V.	LOADING LEDGE	09-99	4/30/2004
197966	THE GILLETTE CO.	TOOTHBRUSH I	04-02	8/18/2004
197564	INTER IKEA SYSTEMS B.V.	LOADING LEDGE	09-99	4/30/2004
197514	FINE JEWELLERY (INDIA) LTD.	JEWELLERY DISPLAY PROP	11-99	10/25/2004
197516	FINE JEWELLERY (INDIA) LTD.	JEWELLERY DISPLAY PROP	11-99	10/25/2004
197515	FINE JEWELLERY (INDIA) LTD.	JEWELLERY DISPLAY PROP	11-99	10/25/2004
197517	FINE JEWELLERY (INDIA) LTD.	JEWELLERY DISPLAY PROP	11-99	10/25/2004
197901	VIJAY JAGDISH CHHEDA	ROTOR CAP	15-09	12/10/2004
197808	HUGHEN GERRARD THOMAS	NOZZLE FOR PLAZMA TORCH	99-00	12/6/2004
197417	PAKERMAN S.A.	PACKAGE	09-05	4/27/2004
197338	GLITTERS INTERNATIONAL	HANDLE	08-06	10/15/2004
198510	M/S BHARAT PET LTD	BOTTLE	09-01	2/10/2004
197733	PHENOWELD POLYMER PVT. LTD.	PNEUMATIC ROUND CISTERN ACTUATOR	12-11	12/1/2004
197518	FINE JEWELLERY (INDIA) LTD.	DISPLAY STAND	11-99	10/25/2004
197883	TOYOTA JIDOSHA KABUSHIKI KAISHA	REAR COMBINATION LAMP FOR AN AUTOMOBILE	26-06	7/5/2004
198409	ADD PENS LTD.	WRITING INSTRUMENT	19-06	2/3/2005
198397	ROOPA SANJAY	COMB	07-99	2/3/2005
197929	DIAGNOSTICA STAGO	APPARATUS FOR BLOOD ANALYSIS	24-01	7/1/2004
198524	CLABER S. P. A.	WATERING PISTOL	23-99	8/2/2004
198777	KHADIM HOLDINGS PVT. LTD.	FOOTWEAR	02-04	3/15/2005
198776	KHADIM HOLDINGS PVT. LTD.	FOOTWEAR	02-04	3/15/2005
198769	KHADIM HOLDINGS PVT. LTD.	FOOTWEAR	02-04	3/15/2005
198770	KHADIM HOLDINGS PVT. LTD.	FOOTWEAR	02-04	3/15/2005
198771	KHADIM HOLDINGS PVT. LTD.	FOOTWEAR	02-04	3/15/2005
198772	KHADIM HOLDINGS PVT. LTD.	FOOTWEAR	02-04	3/15/2005
198773	KHADIM HOLDINGS PVT. LTD.	FOOTWEAR	02-04	3/15/2005
198775	KHADIM HOLDINGS PVT. LTD.	FOOTWEAR	02-04	3/15/2005
198768	KHADIM HOLDINGS PVT. LTD.	FOOTWEAR	02-04	3/15/2005
198148	KYOCERA MITA CORP.	TONOR CARTRIDGE	16-03	7/7/2004
198676	DOCTOR BELI RAM & SONS (P) LTD.	WEIGHING SCALE	10-04	3/15/2005
197693	RUBBERMAID INCORPORATED	TRAY	19-02	6/1/2004
198240	SUPER ENGINEERING WORKS	WATER PURIFIER	23-01	1/20/2005
C. Jan 21, 2006				
198196	OTSUKA PHARMACEUTICAL CO. LTD.	SOAP CASE	23-02	7/12/2004
198721	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
198755	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
198736	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
198732	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
198720	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
198724	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
198717	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
197892	ECOMPOST PTY LTD.	AN AERATOR FOR A COMPOSTING BIN	09-07	6/16/2004

Contd from...14

International News .....

that only state-approved associations can collect music-use fees from entertainment venues and websites.

(Business Standard, Feb 20, 2006)

Beijing Olympic organizers have pledged tough action against anyone illegally using the mascots of the 2008 Games. The Beijing Organizing Committee has a copyright of all the five mascots and has their domain name reserved.

(Copyright World, Dec 05/ Jan 06)

US may file a complaint with the World Trade Organization against China unless authorities reduce violations of the intellectual property. The companies such as Microsoft and Cisco Systems Inc. loose $250 million a year because of pirated software and the main culprit is China.

(Financial Express, March 3, 06)

The European Commission has announced plans to launch a public consultation, which will ask for advice on the best way to improve the patent protection in Europe. In particular, the commission has invited views on the parallel pan-European Patent Litigation Agreement, which relates to the enforcement of existing European, patents centrally rather than nationally. Currently, patents are awarded either on a national basis or through the European Patent Office (EPO) which grants the so called European Patents.

(Patent World, March 2006)

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National Institutes of .....

institutional agreements, contract writing and material transfer agreements should continue. Taxation issues should be given due importance in this exercise.

2. NIH and TIFAC should organize more such workshops in future. Indian professionals may be trained at NIH in above matters through internship programmes and courses at NIH, and relevant US, Indian, and European institutions. Such courses may also be organized in India with focus on negotiations and valuation. Representatives from industries should continue to be invited to such workshops/courses in larger number.

3. Sharing of research tools is considered important for growth of science and technology in the country. NIH has a long experience in handling this subject matter. TIFAC may organize consultations on sharing of research tools emanating from government funding and may evolve some guidelines.

Four experts from Office of Technology Transfer (OTT), NIH, USA lectured during these events sharing the NIH experience :-

NIH experience is worth emulating as it is the largest body in the world having the experience of IP licensing in the public private partnership mode.

Dr. Luis A Salicrup, Senior Adviser

Dr. Uri Reichman, Branch Chief

Ms. Fatima Sayyid, License Specialist

Mr. Peter Soukas, License Specialist

Relevant topics were covered during these workshops which included :-

- IPR scenario in India and role of PFC
- Overview of NIH & international technology transfer
- Legislative background for the US government technology transfer practices
- Role of technology transfer office: The NIH, OTT experience
- Licensing of IPR, an Indian experience-CSIR
- Licensing of intellectual property rights from the NIH
- NIH Research Tools Policy & Guidelines and Material Transfer Agreements (MTAs)
- Taxation issues in IP licensing in India
- Management of confidential information at NIH & its role in IP licensing
- Management of confidential information: indian experience
- NIH inter institutional agreements
- Valuation of IPR
- IPR trends in the health sector
- Biotechnology IPR and tech transfer in indian industries
- Technology transfer capacity building in emerging economies: the next frontier
- US patent laws-an integrated picture
- Patents laws in india- an integrated picture

For more details and copies of the lectures delivered you may log on to www.indianpatents.org.in.

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

NEXT ISSUE

- **Case Study**
- **Case Law**
- **Design Registration**

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