



A BULLETIN  
FROM  
TIFAC

# INTELLECTUAL PROPERTY RIGHTS (IPR)

VOL 9 NO. 6, JUNE 2003

## Companies Protect New Varieties of Turmeric

Most of us, while considering intellectual property rights (IPR) and their management, fail to recognize that multiple protections through different forms of IPR is possible in respect of an inventive work. Sometimes there is also a choice to prefer one form of IPR over the other forms. For example, one often exercises a choice between a patent and a trade secret. Similarly, protection for new plant varieties is possible through patents and plant breeders rights (PBR) in many countries. This would mean that the whole exercise of monitoring whether a new variety of a given plant has been protected or not will have to be planned and executed in a different manner. One will have to look at the patent databases as well as the plant variety databases. Consulting only one database may not reveal the correct picture.

It is now possible to obtain a patent on a plant variety in many

countries such as the USA and the countries covered under EPO. There is, presently, no provision in India to protect a new plant variety. However, with the enactment of the New Plant Variety and Farmers' Rights Protection Act, it would soon be possible to protect a new plant variety in India.

Turmeric has been on the centre stage for a while on account of the now well known patent on wound healing properties of turmeric. Researchers (breeders) and companies of at least two countries have protected many varieties (18) of turmeric or *Curcuma Longa*. Three are by a Japanese company and fifteen by Dutch companies. Some details of these varieties are given in Table I :-

It may be noted that whenever a new variety is protected under the UPOV provisions, it is essential to designate the variety with a name called 'denomination'. For each variety denomination has been shown in the table. Some of the varieties are no longer protected

varieties as their protection has expired for one reason or the other. However, the varieties, which remain protected in the Netherlands, will remain protected almost for 25 years.

Special features of these varieties are not clear from the database. A study of various companies who own the varieties have thrown some light on possible applications. Takeda Chemical Industries is basically a chemical company but is now engaged in manufacturing of drugs as well. It is likely that varieties developed by them would have some medical applications. K P Holland of the Netherlands has developed the new varieties to be used as pot plants or flowering plants- an unusual use of the turmeric plant. M/s K P Holland has said in its home page that turmeric is native to Thailand and other South East Asian countries. It is therefore quite interesting to note that they have given denominations which are derived from names of cities of Thailand and also the country name. For example Chiang Mai is a famous city of Thailand and Thailand until a

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few decades back was also known as Siam. Denominations derived from these names are Chiang Mai Ruby, Siam Ruby and Siam Snow. In the same manner, M/s Kwekerij has given denominations called Thai Candy and Thai Bright.

The story goes on; there are 13362 varieties of rose, 15987 varieties of

maize, 7306 varieties of wheat and 2332 varieties of tomato reported in the database which have been protected under the UPOV provisions. It can be seen that scanning patent information in regard to new plant varieties is not adequate. In order to have a comprehensive understanding of the development of new plant varieties, it is essential to scan the plant variety

database to find out if any protected variety harms our interests. Ricetec Inc had applied for a new rice variety in 1995 whose denomination was 'Basmati 867'; this was published as well in 1996. The company with drew it for reasons known to them in 1997; this was the time when the US patent was granted to Ricetec on Basmati Rice Lines and Grains.

Table I

Denomination	Title Holder	Grant/Acceptance Date	Filing Date	Expiry Date
<b>A. Japan</b>				
1. White Cup	Takeda Chemical Industries Ltd	12.10.2001	27.6.1997	-
2. Elegance Pink	Takeda Chemical Industries Ltd	12.10.2001	11.3.1998	-
3. Pink Shade	Takeda Chemical Industries Ltd	12.10.200	26.3.1998	-
4. Chiang Mai Ruby	KP Holland	16.1.1996	31.8.1994	14.6.2000
5. -	Zelderen BV	-	4.3.1996	2.6.1997
6. Siam Snow	KP Holland	31.12.1998	23.9.1996	2.2.2001
7. Siam Ruby	KP Holland	6.5.1997	5.11.1996	21.7.1997
8. Pearl Snow	Zelderen BV	23.11.2000	29.6.1998	22.11.2025
9. Pearl Bianco	Zelderen BV	23.11.2000	29.6.1998	22.11.2025
10. Pearl Mont Blanc	Zelderen BV	8.1.2001	29.6.1998	7.1.2026
11. Thai Candy	Kwekerij Meeslouwer V.o.f.	-	17.9.1999	4.1.2001
12. Thai Bright	Kwekerij Meeslouwer V.o.f.	-	17.9.1999	4.1.2001
13. Pearl Little Pink	Zelderen BV	8.8.2001	7.1.2000	7.8.2026
14. Lanna Beauty	Kwekerij Meeslouwer V.o.f.	23.4.2002	14.9.2001	-
15. Lanna Salmon	Kwekerij Meeslouwer V.o.f.	23.4.2002	14.9.2001	-
16. Lanna Giant White	Kwekerij Meeslouwer V.o.f.	23.4.2002	14.9.2001	-
17. Lanna Striped Rose	Kwekerij Meeslouwer V.o.f.	23.4.2002	14.9.2001	-
18. Lanna White	Kwekerij Meeslouwer V.o.f.	31.7.2002	14.9.2001	-

(Source: UPOV Database)

### PFC on the move...

\* PFC organised one patent awareness workshop in Shimla in association with Patent Information Centre (PIC), Shimla on June 21, 2003. About 70 participants which included senior govt. officials, state secretaries from various departments, chief secretary, policy

makers and planners from Himachal Pradesh attended the workshop.

\* A training programme on Management of IPR was organised jointly by PFC and Confederation of India Industry (CII) from 11-14<sup>th</sup> June 2003 in Chennai. The training programme included, besides lectures on IPR, a half-day session

on advanced training on patent searches using various databases. There was also a session on hands-on training on patent searches involving formulation of different search strategies for novelty determination.

\* Three new patent applications were filed in India.

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# Its more than a case study- patenting of new variety of wheat based on an Indian landrace “Nap Hal”

## Introduction

Patents on a new variety of wheat based on backcrossing an Indian landrace “Nap Hal” into a soft milling variety of wheat such as Galahad have been awarded by the US Patent and Trademark Office and the European Patent Office to M/s Unilever of Great Britain. (The European patent is now owned by Monsanto as reported in some places). The Galahad variety was developed by the Plant Breeder Institute, England and protected under Plants Breeder Rights. The initial patent application was filed by Unilever in Great Britain on February 19, 1990 and the priority of the application was sought in the USA and the countries of EU. A PCT application was also filed. The British application was split in two for the purpose of obtaining US patents. Two US patents were granted on June 8, 1998 (5,763,741) and January 12, 1999 (5,859,315). The European application was filed in 1991 but the patent was granted (0445929) by the EPO in May 2003, after a gap of almost 12 years. The patent awarded by the EPO is being discussed below.

## Background and Prior Art

Wheat (*Triticum aestivum*) flour, when mixed with water to form a dough, develops unique viscoelastic properties. Viscoelasticity is a balance between two opposite forces, extensibility (viscous flow) and elasticity, and this balance varies significantly between wheat varieties. Viscoelasticity is

primarily genetically controlled although it is affected to a small extent by growing conditions. The viscoelastic properties of a dough, and the milling properties of the grain, primarily determine the types of food that can be produced from a wheat. The ratio of elasticity to extensibility needs to be high for leavened bread, intermediate for noodles and flat breads such as chapatis, and very low for wafers and semi-sweet biscuits. There are basically two varieties of wheat namely, hard milling and soft milling varieties. The former is used for making bread and the latter for biscuits where low water absorption by dough is considered adequate.

No wheat varieties are yet available commercially which are soft milling and from which a dough with low or very low elasticity can be prepared without either chemical treatment or the use of carefully controlled conditions (eg. low temperature) during the preparation of the dough. The need to maintain critical conditions during dough preparation is obviously a serious constraint on manufacture. The need for chemical pre-treatment of the flour, usually conducted with sodium metabisulphite (SMS) would be avoided if a right type of wheat variety could be developed. There is, therefore, a clear need for a soft milling wheat capable of providing a flour from which a highly extensible dough can be prepared at ambient temperature without the need for chemical or enzymic pre-treatment of the flour.

The viscoelasticity that develops in wheat doughs is primarily a function of the protein from the endosperm, called gluten, which usually comprises between 8% and 15% of the dry weight of wheat flour. The biochemistry and genetics of gluten have been extensively researched, with a view to improving the bread-making quality of wheat. It is now generally recognised that high-molecular-weight (HMW) subunits of glutenin, which make up only about 6-10% of the gluten content of wheat, are the key components in conferring elasticity and dough mixing stability. These HMW subunits are coded by three homoeoallelic loci in bread-wheat, called Glu-A1, Glu-B1 and Glu-D1, and are located on the long arms of chromosomes 1A, 1B and 1D respectively. Each locus contains two genes, called “x” and “y”, so in principle a wheat could have six different HMW glutenin subunits. However, the “y” gene at Glu-A1 is present but non-functional in all known commercially-cultivated wheats, so the maximum number of different subunits is five. Also, in some wheats, the “y” gene at Glu-B1 and the “x” gene at Glu-A1 are independently non-functional, so the minimum number of HMW glutenin subunits in any presently-available commercial wheat is three.

An experiment which indicated that HMW glutenin subunits confer elasticity to doughs was described by Lawrence, MacRitchie and Wrigley, *Journal of Cereal Science*, vol. 7, pages 109-112 (1988). They made use of one of the genotypes that comprise the primitive landrace

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from India called "Nap Hal". Samples of "Nap Hal" are freely available from several public germplasm collections, and have been so available since well before the filing date (19 February 1990). For example, it is available under Accession No. 1362 from the AFRC Institute of Plant Science Research, Norwich, UK. Because "Nap Hal" is a landrace, it is genetically mixed and it is therefore necessary to purify the sample. Approximately 20% of the grains that comprise "Nap Hal" are extremely unusual in lacking two HMW subunits coded by the "x" and "y" genes of Glu-D1, which shall be referred as the "Glu-D1 double null" trait. Therefore, "Nap hal" will have low elasticity and be poor for bread making. *As a result such a wheat variety has not been knowingly introduced into breeding programme.*

### The Invention

The invention provides a soft-milling wheat genotype containing the Glu-D1 double null trait. This may be in the form of one or more stable true-breeding lines, or as more diverse material all of which exhibits the Glu-D1 double null trait and which can be used to introduce this trait into a breeding programme.

The wheat of the invention greatly facilitates the production of semi-sweet biscuits, non-fermented crackers, wafers, and food or food ingredients made from batters, which are made from soft-milling wheats because low water absorption by the flour is required.

A soft-milling wheat in

accordance with the invention, with the above novel properties, can be obtained for example by transferring the Glu-D1 double null trait, eg. from "Nap Hal" or from a "Nap Hal" derivative which is hard-milling, by repetitively backcrossing into a soft-milling wheat, such as "Galahad", and selecting half grains at each generation, eg. by SDS-PAGE analysis.

The invention also encompasses soft non-chemically-treated wheat flour from which a dough with low or very low elasticity can be prepared at ambient temperature.

More particularly, the invention provides soft wheat flour that does not require treatment with SMS to make a dough at ambient temperature that is sufficiently inelastic for the manufacture of crisp farinaceous edible products such as biscuits and the like.

A particular strain of semi-dwarf, red-grained, soft-milling winter wheat having this essential characteristic, designated "Galahad-7", has been deposited, in accordance with the provisions of the Budapest Treaty, in the National Collections of Industrial and Marine Bacteria, Aberdeen, Scotland under Accession No. NCIMB 40251, on 19 January 1990. The deposited sample, which exhibits residual genetic variation, does not constitute seed that would be regarded as a true registerable plant variety. Nevertheless, the sample is true-breeding with regard to the Glu-D1 double null trait.

The invention encompasses soft-milling wheat having the essential genetic characteristics, in terms of dough properties, exhibited by strain NCIMB 40251, and also

the use of this strain in the production, eg. by breeding or genetic engineering, of soft-milling wheat.

### Claims

1. Soft-milling wheat having an SDS-sedimentation volume when corrected to 11% protein, of not greater than about 30ml.

2. Soft-milling wheat having an SDS-sedimentation volume when corrected to 11% protein, of not greater than about 25ml.

3. Soft-milling wheat having an SDS-sedimentation volume when corrected to 11% protein, of not greater than about 20ml.

4. Soft-milling wheat for which the Brabender Farinograph band width five minutes after reaching peak viscosity is less than 20 Brabender Units.

5. Soft-milling wheat according to claim 4, for which the dough tolerance is at least 250 Brabender Units, using the test procedure described herein in Experiment 1.

6. Soft-milling wheat in which each of the "x" and "y" genes at Glu-D1 is inactive or absent.

7. Soft-milling wheat in which each of the "x" and "y" genes at Glu-D1 is absent.

8. Soft-milling wheat having the essential genetic characteristics of strain NCIMB 40251.

9. Wheat of strain NCIMB 40251.

12. Flour prepared from wheat as claimed in any one of claims 1 to 9.

19. The production of a strain of wheat, involving the steps of:

a) selecting a hard-milling wheat strain possessing the Glu-D1 double null trait;

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b) crossing the hard-milling strain with a soft-milling wheat strain which naturally produces relatively elastic dough;

c) back-crossing the resulting strain into a soft-milling wheat strain;

d) selecting grains exhibiting the Glu-D1 double null trait at half the normal gene dosage, by analysis of embryo-less half grains, the corresponding half-grains being retained for germination;

e) germinating the corresponding half-grain of the selected soft-milling Glu-D1 double null strain, and conducting a further back-crossing and half-grain analysis for the Glu-D1 double null trait;

f) germinating the corresponding half-grains from step (e), and growing and allowing to self-pollinate grains containing the Glu-D1 double null trait in the homozygous state; and g) determining which of the resulting lines homozygous for the Glu-D1 double null trait are soft-milling.

20. Use of wheat line exhibiting the Glu-D1 double null trait in the production of soft milling wheat.

21 Use of "Nap Hal" in the production of soft milling wheat.

22. Use of wheat of strain NCIMB 40251 in the production of soft milling wheat.

The novelty of the invention is that new variety of wheat has been developed meeting certain traits like special combination of visco-elasticity and elasticity not satisfied by any other known variety of wheat. The inventive step is in evolving a method for preparing

such a variety not known earlier.

Most claims are of very broad nature and they will cover many types of soft milling wheat, whether produced using the method given in this patent or not, provided its sedimentation volume, for example, is within the range mentioned in claims 1-3. Even if there is a totally new variety produced differently but falling within the above range would lead to infringement in places where the patent is valid. The broadness of claims is also ensured by claiming some gene sites and their functions. Obviously, "Nap Hal" or any other variety used for developing soft milling variety will violate this patent. The use of "Nap Hal" in production of soft milling wheat has also been protected. This appears to be a very restrictive claim as it puts barriers on the use of a landrace known for years.

Interestingly, the US Patent 5,763,741 in its claims talks only in terms of "Nap Hal". In other words, it puts almost a complete stop on the use of Nap Hal or its derivatives for producing soft milling wheat. Some of the claims are reproduced below:-

1. Soft milling wheat containing the Glu-D1 double null trait derived from Nap Hal and having an SDS sedimentation volume when corrected to 11% protein of not greater than 30ml.
2. Soft milling wheat derived from Nap Hal in which each of the "x" and "y" genes at Glu-D1 is inactive.
3. A method of producing soft milling wheat which comprises using a wheat line exhibiting the Glu-D1 double null trait derived from Nap Hal.

The EPO has taken a long time to grant this plant patent which has been usually excluded from patentability by the EPO. Most companies will like to go for plant patent in stead of PBR as the patent protection is much more strong. It may be further noted that the source of biological material is given in the patent document. There is a statement in the specification stating that "Nap Hal" is a landrace from India. How did the idea occur to use this variety for achieving the goal? This question has not been answered and this disclosure alone may not be sufficient for the purpose of benefit sharing.

It is obvious that the practices of the USPTO and EPO in regard to plant patents are coming closer. At least in principle both have started giving plant patents. However, there is a difference in allowing claims, the EPO seems to have allowed much broader claims as they cover varieties other than "Nap Hal".

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### **'Anticipation' in the Patents Act 1970**

According to the Webster's Dictionary, the word 'anticipation' means 'a prior action that foretells a later action'. Anticipation in the Patents Act carries the same concept/meaning. The word relates to the novelty of an invention on the date of filing a patent application in India. If there is any evidence that the invention was known, on the date of filing, the invention would be treated as anticipated and no patent would be granted by

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the Patent Office. There are many grounds on which the question of anticipation needs to be examined and decided. These grounds have been enumerated in Sections 29,30,31,32 and 34 of the Amended Act.

### **Anticipation by previous publication:**

1. An invention claimed in a complete specification will not be treated as anticipated by the only reason that the invention was published in a specification filed along with the patent application, before January 1, 1912.

2. An invention claimed in a complete specification will not be deemed to have been anticipated by the only reason that the invention was published before the priority date of the relevant claim of this specification, if the patentee or the applicant for the patent proves:-

(a) that the matter published was obtained from him, or (where he is not himself the true and first inventor) from any person from whom he derives title, and was published without his consent or the consent of any such person; and

(b) where the patentee or the applicant for the patent or any person from whom he derives title learned of the publication before the date of the application for the patent, or in the case of a convention application, before the date of the application for protection in a convention country, that the application or the application in

the convention country, as the case may be, was made as soon as reasonably practicable thereafter.

However, the above provision will not apply if it was proved that the invention was commercially worked in India before the priority date, other than for the purpose of reasonable trial, either by the patentee or the applicant for the patent.

### **Anticipation by previous communication to Government:**

In certain cases, it becomes imperative that the invention is communicated to Government to investigate the invention. Such investigations may be for assessing the merits of the invention or of anything done for the purpose of investigation. An invention claimed in a complete specification subsequently shall not be deemed to have been anticipated by such communication to the Government or to any person authorized by the Government or any activity carried out by the Government for the investigation purposes.

### **Anticipation by public display, etc. :**

On the basis of the following acts alone, an invention will not be treated as anticipated :

(a) the display of the invention at an industrial or other exhibition to which the provisions of this section have been extended by the Central Government by notification in the Official Gazette, or the use thereof for the purpose of such an exhibition in the place where it is held; or

(b) the publication of any description of the invention in consequence of the display or use of the invention at any such exhibition; or

(c) the use of the invention during the period of the exhibition, by any person without the consent of the true and first inventor or a person deriving title from him; or

(d) the description of the invention in a paper read by the true and first inventor before a learned society or published with his consent in the transactions of such a society provided that the application for the patent is made not later than 6 months after the opening of the exhibition or the reading or publication of the paper.

### **Anticipation by public working:**

Public working for the purpose of reasonable trial only is not considered as anticipation, provided a patent application is filed not later than one year of such public working. However, it needs to be established that such a trial was reasonably necessary, having regard to the nature of the invention and that working for that purpose should be effected for public. Such trials should be by the patentee or patent applicant or by any third person with the consent of the formers.

### **Anticipation by use and publication after provisional specification:**

Readers may recall that a patent application can also be filed along with a provisional specification in case the complete invention is not established. The provisional specification must be followed by

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a complete specification within a maximum 15 months from the date of filing of the former. Any eventuality of any public use in India or publication in India or elsewhere, any time after the date of filing the provisional specification will not be treated as anticipation if such use or publication was limited to what is disclosed in the provisional application. This is also applicable in cases where a patent application originally filed with a complete specification is converted into a provisional specification as per the request of the applicant as per the Section 9(3) of the Act.

### **Anticipation by use and publication after the priority date of a convention application:**

In the case of a complete specification filed in pursuance of a conventional application, public use or publication in India or elsewhere at any time after the priority date is not considered as anticipation.

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### **Can computer 'icon' be registered as design ?**

As per the design laws in most countries, a design qualifies for registration if it can be applied to an article of manufacture by an industrial process or means. For example, ornamentation on crockery meets this requirement. As new technological developments take place, new situations emerge which call for a fresh interpretation of existing laws. The design laws are based on mechanical means of application which includes

production of article with the design, in large number. The articles so produced can be counted and be placed physically in a place occupying some volume. The articles themselves also occupy volume and can be counted manually. Would a design consisting of a computer image or 'icon' be registrable? This became an issue before the New Zealand IP Office.

Altoweb Inc applied for registration of a design consisting of a computer image to be used as an icon. The examiner refused to register the design on the following grounds. One, it did not satisfy the statutory requirement that it be applied to an article of manufacture by an industrial process. Two, the computer image is transitory by nature and is thus not an inherent property of a computer display screen to which the design is to be applied. Three, the excitation of phosphorescent particles by electrons cannot be considered an industrial process. Fourth, the said design was applied to an artistic work (graphics) which was not covered by the law.

Many pertinent issues were raised by the examiner. The applicant tried to counter various points. It was argued that the production of image on screen should be considered an industrial process because the image is physically generated by a reproducible and consistent means. On the transitory nature of the design, the applicant stated that a wheelbarrow in a folded configuration can be design protected although this configuration was transitory. It was further argued that the computer display was not excluded from design registration in the law and that the display was interactive in nature.

The Assistant Commissioner of the IP Office interpreted the meaning of 'industrial process or means'. In his opinion it would mean that it is possible to reproduce the design on article en masse. It would also include application of a design to an article by hand painting. He felt that the law did not exclude electronic means. It was also argued by him that the issue of registrability of designs on a computer screen was analogous to the patentability of computer related inventions. He concluded the Act should be interpreted to allow such designs unless they are excluded by the Act.

It may be noted that the Assistant Commissioner did not discuss all the issues raised by the examiner but he did adopt a very progressive approach in light of new technological development. This decision raises many other concerns, which will have to be sorted out by the New Zealand system as and when they come up.

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### **Litigation Watch**

◆ A Mumbai based Sarda Trading Company has been restrained from using, marketing, distributing or selling tea under the trademark 'YAHOO'.

◆ The Delhi High Court has issued an ex parte order restraining a Delhi based Advance Cosmetics and Research Centre and its distributors from manufacturing and selling perfumes under the trademark 'PLAYBOY' and the logo of a 'rabbit head'. US based Playboy Enterprises International Inc, publishers of the widely circulated

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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. May 3, 2003

189857. Yudhvir Singh, Delhi (548/Del/94) reinforced concrete sleepers	A multi purpose tie bar shield device for packing prestressed
189858. The Chief Controller Research & Development Ministry of Defence New Delhi (0572/Del/94)	A process for the preparation of silicone gel
189859. Nangalwala Auto Manufacturing Pvt Ltd, Alwar (9577/Del/94)	A battery terminal device
189860. Elymer Havells Electrics, Delhi (687/Del/94)	Unidirectional cyclometric counter for electric meter
189861. H C Starck GmbH & Co Kg, Germany (1105/Del/94)	A pastes composition for the coating of substrates and a process for preparation thereof
189862. Metal Strom Ltd, Australia(1117/Del/94)	A barrel assembly for firearm
189863. Anthony Wilfred Kibble, England(1158/Del/94)	A bolt device
189864. CSIR, India (1261/Del/94)	An improved process for the production of water free from pollutants
189865. CSIR, India (1262/Del94)	An improved process for the production of purified water from cokes ven waste water
189866. Allied Signal Inc. USA (1268/Del/94)	Process for making an array of tapered photopolymerized waveguides
189867. L Air Liquide Sciete Anonyme Pour L Etude Et L Exploitation Des Procedes, France(1290/Del/94)	Liquid distributor for heat and mass exchange device
189868. Otis Elevator, USA (1309/Del/94)	A remote monitoring apparatus
189869. IBM, USA (1344/Del/94)	A magnetic disk data storage device
189870. BP Corp, USA Del/94)	A method for recovering methane(1348/ from a solid carbonaceous subterranean formation
189871. Molekulare Energietechnik Ag, Liechtenstein(226/Bom/98)	Coating composition for emitting surfaces for the generation of electromagnetic waves and a process for the preparation thereof
189872. Clevedon Investments Ltd, Douglas Isle of Man	An aerobic digestion toilet

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international adult magazine Playboy is the registered owner of the trademark 'PLAYBOY' and the logo 'rabbit head'.

◆ The Videocon Group has been restrained by the Delhi High Court from using the abbreviation and trademark BBC for their Bharat Business Channel. The UK based British Broadcasting Corporation (BBC) had filed a suit against the Videocon Group alleging that the adoption of the identical abbreviation was a deliberate attempt by the Bharat Business Channel to tread upon the reputation and goodwill of the BBC.

◆ In a lawsuit between Visa International Service Association and JSL Corporation, the US District Court has granted a permanent injunction to Visa International preventing JSL from using or registering the trademark EVISA and from using the domain name 'evisa.com' on the ground that JSL's use of the mark and domain name was in contravention of the US Federal Trademark Dilution Act (FTDA)

◆ Dabur India Ltd has sued pharmaceutical company Ranbaxy Laboratories in the Delhi High Court seeking to restrain Ranbaxy from telecasting a commercial in which Ranbaxy compares its product Pepfiz with Dabur's anti-gas products Pudinhara and Hajmola.

◆ Easy Internet Café Ltd was involved in running unlicensed CD burning services in London. The company was sued by BPI for breach of copyright and now has to pay BPI £80,000 in damages plus legal costs.

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(307/Bom/98)	
189873. Hindustan Lever Ltd, Mumbai (345/Bom/98)	A personal washing bar composition
189874. Hindustan Lever Ltd, Mumbai(347/Bom/98)	Dispenser for applicator pads
189875. Hindustan Lever Ltd, Mumbai(364/Bom/98)	Athermally insulated container and a vending cart comprising the same
189876. Hindustan Lever Ltd, Mumbai(376/Bom/98)	A process of forming granular detergent products
189877. Luk Lamellen Und Kupplungsbau Beteiligungs Kg, Germany (484/Bom/98)	Apparatus for damping torsional vibrations
189878. Central Institute For Research On Cotton Technology Mumbai (709/Bom/98)	An improved double roller gin
189879. Mad Lighting Ltd, UK (804/Bom/98)	Stepper motor controller
189880.Hindustan Lever Ltd, Mumbai(810/Bom/98)	Improved process for preparing a low tfm detergent bar composition
189881.Ravinder Kumar Trehan Narinder Kumar Seth & Girdhar Gopal Shrotriya Mumbai (56/Bom/99)	A process of coating high adhesion scratch resistance coating of antiglare antistatic composition on a cathode ray tube face plate
189882.Satish Deb, Dist Durg (173/Bom/99)	An improved treadle printing machine
189883.Shrivallabh Bhiku Dhungat, Mumbai (187/Bom/99)	Process of manufacture catechu and cutch from cashew testa
189884.Burns Philp India Ltd, Maharashtra (631/Bom/99)	A new modified process for the production of yeast extract for food pharmaceuticals and petrochemical industries
189885.Hindustan Lever Ltd, Mumbai(662/Bom/99)	A process for preparing a tea product
189886.Sun Pharmaceutical Industries Ltd, Mumbai (979/Bom/99)	Process for the preparation of form v polymorph of hydrochloride salt of 1s 4s n methyl 4 3 4 dichlorophenyl 1 2 3 4 tetrahyudo 1 naphthaleneamide
189887.Indian Petrochemicals Corp Ltd, Gujarat (510/Mum/2000)	A process for separation and recovery of methane form a meththane nitrogen gaseous mixture
189888.Rallis India Ltd, Maharashtra (836/Mum/2000)	A process for preparation of an insecticida composition of pyrethroid cypermethrin and organophosphorous ethion
189889.Claris Lifesciences Ltd, Ahmedabad (876/Mum/2000)	An improved process of preparing purified wazy starch
189890.Saurashtra University, Gujarat (979/Mum/2000)	An improved process for preparing n phenyl anthranilic acid and its derivatives
189891.Limitorque Corp, USA Cal/96)	A verification syste adapted for (1099/ monitoring the operation of a digital control system for use with electromechanically equipment
189892.Yahma Hatsudoki Kabushiki Kaisha, Japan (1252/Cal/96)	An engine air intake structure of an under bome type motorcycle
189893.Signotron India Pvt Ltd, Calcutta (1295/Cal/96)	An improved high frequency electronic inverter for fluorescent tube
189894.RCA Thomson Licensing Corp, USA(1301/Cal/96)	A color cathode ray tube having an uniaxial tension focus mask

## Domestic News

◆ Morepan Laboratories has filed a patent application under the Patent Cooperation Treaty (PCT) for an efficient process of manufacture of desloratadine from loratadine, a drug to be used in the treatment of allergies, cough and cold.

Morepan Labs Ltd has filed another process patent application for "Montelukast Sodium", a high value block buster antiasthamatic drug. "Montelukast Sodium" has a US market size of \$ 1.24 billion growing at the rate of approximately 24 per cent.

**(The Financial Express, 11 June 2003)**

◆ The US Patent and Trademark Office has granted Centre for Development of Telematics, C-DOT, a patent for Asynchronous Transfer Mode (ATM) switch fabric implementation, which enables high speed data transmission through a new method of routing information packets. C-DoT has been granted a patent on the design and implementation of the chip that enables this technology. The ATM technology developed by C-DoT has the ability to carry voice, data and high quality video and provide high speed access to the end user. C-DoT has also filed a separate patent application for the same ATM architecture in eight other countries.

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189895.Merck Patent Gesellschaft Mit Beschränkter Haftung, Germany(1360/Cal/96)	A method for producing a peral pigment
189896.Harnischfeger Technologies Inc, USA (1375/Cal/96)	An improved dragline
189897.Harnischferger Technologies Inc, USA (1377/Cal/96)	Bearing retainer assembly for an apparatus such as a dragline
189898.Siemens Aktiengesellschaft, Germany (1473/Cal/96)	A circuit arrangement for a chip card
189899.Daewoo Electronics Co Ltd, Republic of Korea (1992/Cal/96)	Baseline based shape coding apparatus for encoding a contour
189900.LG Electronics Inc, Republic of Korea(2155/Cal/96)	Cross flow type blower
<b>B.May 10, 2003</b>	
189901. Libbery Glass Inc, USA(389/Cal/97)	An apparatus and a method for forming a decorative pattern on glassware having an edge
189902.Ahamad Hussain, Samastipur, Bihar (826/Cal/93)	A device for producing mechanical power from flowing fluid
189903.Electronics Research & Development Center, Bidhannagar, Calcutta (1723/Cal/96)	A withering controller for tea industry
189904.Daewoo Electronics Co Ltd, Republic of Korea (1941/Cal/96)	Apparatus for detecting motion vectors
189905.Thomson Consumer Electronics Inc, USA (2120/Cal/96)	Printed circuit bard sparkgap
189906.Hitachi Ltd, Japan (2131/Cal/96)	Scroll type fluid machine
189907.Windmoller & Holscher, Germany(2142/Cal/96)	Process and device for producing a clean doctor blade device for a rinsable ink application device of a rotary
press	
189908.Kawasaki Steel Corp, Japan(2202/Cal/96)	A magnetic device for loading sintering material onto the pallet while deviating path of dropping and lowering drop speed of sintering material by utilizing magnetic force
189909.Evergreen Solar Inc, USA(459/Cal/97)	A method of forming solar cell
189910.Spindelfabrik Sussen Stahlecker & Grill GmbH, Germany(269/Cal/97)	A drive for a spinning or twistingSchurr machine
189911.Shree Chitra Triunal Istitute For Medical Sciences & Technology, Trivandrum (316/Mas/95)	A process for preparing a prepolymer adhesive
189912.Indian Space Research Organisation, Bangalore (398/Mas/95)	Single component flushing system
189913.Dr Prabhas Chandra	A road sweeping machine

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### Domestic News

◆ A law on data protection is in the process of development in India. The Centre is proposing for enactment of such law to benefit the information technology sector. A draft bill in this regard has already been prepared and is likely to come up for parliamentary approval in October.

### (National Herald, 14 June 2003)

◆ In a bid to protect over 750 threatened plant species in India and ensure their sustainable economic use and protection of IPR, CSIR has entered into an agreement with Botanic Gardens Conservation International (BGCI), UK, a body set up by the UN. The National Botanic Research Institute (NBRI), Lucknow, will be the nodal agency for implementing the programme in India. An outlay of Rs. 7.5 crore has been made by BGCI for the project. The venture would aim to establish a network of Indian botanic gardens and thus promote plant conservation in India and build the capacity of Indian botanic gardens and associated organizations. Over the next four years (2003-06), the NBRI would work with BGCI as the co-coordinating institution. Major activities of this programme include development of database, network and website on about

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Singh, Hyderabad (402/Mas/95)	
189914.Cabot Corp, USA (406/Mas/95) containing an adsorbed gas	A method of manufacturing an adsorbent consisting densified carbon black
189915.Janatics India Pvt Ltd, Tamilnadu (421/Mas/95)	A quick release and locking device for the bowl guard and housing of the filter and lubricator of a filter regulator lubricator assembly fitted in an air line for use with pneumatic equipment
189916.Dynaspede Integrated Systems Pvt Ltd, Hosur (1657/Mas/95)	An apparatus for direct in line measurement and monitoring of torque applied or transmitted through rotating shafts
189917.Dr Reddys Research Foundation, Hyderabad (900/Mas/99)	An improved process for the preparation of alphatic nitro esters
189918.Societe Des Produits Nestle S A, Switserzerland (1000/Mas/99)	A method of producing a fat based confectionery coating composition
189919.Proalgen Biotech Ltd, Chennai (1088/Mas/99)	A novel medium for the production of betacarotene and other carotenoids form dunaliella salina arl 5 and strain of dunaliella salina for production of carotenes using the novel meida
189920.F Hoffmann La Roche Ag, Switserzerland (1175/Mas/99)	A mixing device for producing finely divided dispersion of fluids
189921.Inmarsat Ltd, England (429/Mas/95)	A satellite payload apparatus
189922.Tube Investments of India Ltd, Madras (440/Mas/95)	A suspension device for cycle wheel
189923.Tube Investments of India Ltd, Madras(441/Mas/95)	A suspension device for the seat post of a two wheeler vehicle such as cycle
189924.M/S Intelligent Micro System Pvt Ltd, Madras (451/Mas/95)	A device for lifting a gas cylinder to alight the mouth thereof with a filling testing means
189925.Schneider Electronic SA, France(508/Mas/95)	A busbar device
189926.Maschinenf Abrik Rieter Ag, Switserzerland(564/Mas/95)	A spinning frame
189927.Indian Space Research Organisation, Banglore (566/Mas/95)	An improved colour reversal process for producing color prints
189928.IBM, USA(588/Mas/95)	A video placement system for use in a video server]
189929.F L Smidth & Co A/S, Denmark (596/Mas/95)	Rotary drum suspended within live ring
189930.Kotobuki & Co Ltd, Japan(603/Mas/95)	A mechanical pencil with a slider
<b>C. May 17, 2003</b>	
189931.AGA Aktiebolag, Sweden (1351/Del/94)	An airbag filling system
189932.Pishpal Singh, Patiala (1357/Del/94)	A carburetor for use in two wheelers

The patents for opposition is continued in the supplement along with this bulletin.

## International News

◆ A series of Scottish law reports will be made available on the internet for the first time following an agreement between Electronic Publisher Context Ltd and the Scottish Council of Law Reporting (SCLR). Session cases will be published as electronic session cases on Justis.Com.

◆ Saudi Arabia's cabinet has endorsed a new copyright law in June this year. The new law aims to protect original works of literature, arts and sciences from piracy. Judicial decisions and daily news stories will be exempt, and folklore will be considered the property of the state.

◆ Parallel importation of software into Australia is now permitted under changes to the Copyright Act in March 2003.

The Copyright Amendment (Parallel Importation) Act 2003 removes a copyright owner's right to prevent the commercial importation and distribution of legitimate computer programs and computer games. The Act also allows the importation of "enhanced CDs" sound recordings that include other copyright material, like video clips.

◆ Matsushita Electric Industrial Co. and four other firms plan to test a way to sell and rent video content in a way that prevents illegal copying. The firm has partnereed with Japan Wave Inc, Oki Electric Industry Co, Internet café operator InterPia Co, and systems developer PFU Ltd., to commercialise the technology to be sold into movie production and video rental outlets.

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**Domestic News**

140 botanical gardens of India, which will help in closer interactions for undertaking conservation and sustainable use of plant diversity as well as in eco-education activities.

**(The Economic Times, 7 June 2003)**

**H** The draft of Substantive Patent Law Treaty (SPLT) moved by the World Intellectual Property Organisation (WIPO) proposes to curtail governments' power to obstruct IPR in public interest. The WIPO draft, backed by the United States and the European Union, basically seeks to enhance IPR at the cost of technology transfer and public interest. The intent of the WIPO move is to achieve harmonization of IPR laws of WTO member countries. Though SPLT would not impose legal obligation on the government, it is expected to become a norm among all WTO member countries. Non-compliance can lead to actions by the United States and EU, using other instruments of international agreements.

**(The Economic Times, 3 June 2003)**

**H** Herbal medicines developed using traditional Ayurvedic methods can now be protected from international piracy through fingerprinting techniques. The Indian Institute of Chemical Technology (IICT), Hyderabad has developed a unique fingerprinting method using a software- Chromatographic Fingerprinting Herboprint- for standardization of traditional medicines. Based on the Ayurvedic concepts of Tridoshas, the patented method is useful for standardization of drugs and knowing merits and demerits of the use of traditional and modern medicines. The software acts as a tool in fingerprinting and patenting the traditional medicines. The database also gives information about the medicinal value of various medicinal plants as well as the role of ecological factors on the chemical constituents of the same plant in various tropical zones in the country.

**(The Financial Express, 18 June 2003)**

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◆ The European Patent Office has granted Genzyme Molecular Oncology a Patent No. EP 0761822B1 covering the SAGE technology. SAGE (Serial Analysis of Gene Expression) is a high efficiency method of comprehensively identifying and qualifying genes expressed in tissue or cell line. It is used by Genzyme Molecular Oncology in a wide variety of applications. These include identifying novel tumor antigens and angiogenesis targets.

◆ According to study released by Business Software Alliance, worldwide piracy of business software products declined slightly in 2002. North America had the lowest piracy rate at 24% and Eastern Europe the highest at 71%.

◆ State University of New York has won a patent for 'Virtual' colonoscopy procedure that scans colons for cancerous and pre-cancerous polyps. The new technology, which combines CT scanning and computer graphics, is licensed to medical imaging producer, Viatronix. The method produces less discomfort to patients and may yield more accurate results than traditional colonoscopy.

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

**NEXT ISSUE**

- **Case Study**
- **Case Law**
- **Patents for Opposition**

**Published by: Patent Facilitating Centre (PFC)**

Technology Information, Forecasting and Assessment Council (TIFAC)  
Department of Science and Technology (DST)

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**Editor:** R. Saha, Director, PFC

Printed by Reliant Press Pvt. Ltd., New Delhi-110 020

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