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New innovations facilitate yogic exercises

A US patent granted in 1992 (5,141,285) protects a special chair or couch which supports the person using it in a predetermined relaxation position as achieved in savasana yoga. The position merges the neutral body position the body takes in zero gravity.

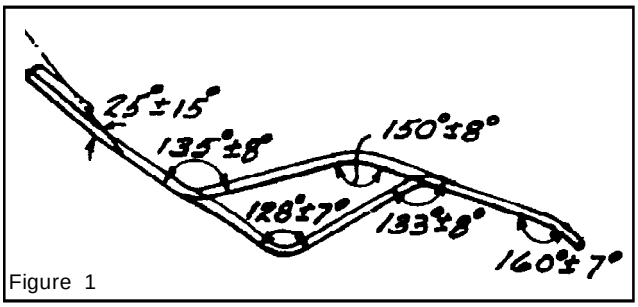

Figure 1

People who are not able to perform savasana properly may be benefited with such a device. Does it in any way transfer the right of savasana to the holder of the patent or does it imply that savasana known for centuries can be patented by some one? The answer to both the questions is emphatic NO. The patent is only for a device that facilitates performing savasana.

Let us look at another patent granted in 2003 (US 6,640,359) dealing with a special mat, used for performing yoga, which can be rolled up tightly and held close by straps. Many of us know that every person who goes for an outdoor yoga classes carries a cloth sheet or a spread to the classes for doing yogic exercises by spreading the sheet on the ground. Carrying a loose sheet is not very convenient and it becomes more inconvenient if other things are also to be carried. The invention brings in a convenience for people performing yogic exercises. The patent does not deal with any particular yoga and no yoga is under a threat of a patent because of this mat. (Fig 1)

There is yet another patent granted in 1997 (US 5,605,379) which deals with a chair specially designed for providing a straight sitting position of the user with cross legs in a yoga position. The chair has a seat raised on both sides, which is wider towards the front and adapts to the contour of the body resulting from cross-legged sitting. A central elevation is provided in the back area of the seat, which forms an extension of the user's coccyx. The back surface has a protrusion located in the area of fourth and fifth lumbar vertebrae of the users. All efforts are towards adapting the contours of the user's body. (Fig 2)

One of the primary requirements of performing yoga is that the individual performing the yoga should sit in an up right position with cross legs position. Many

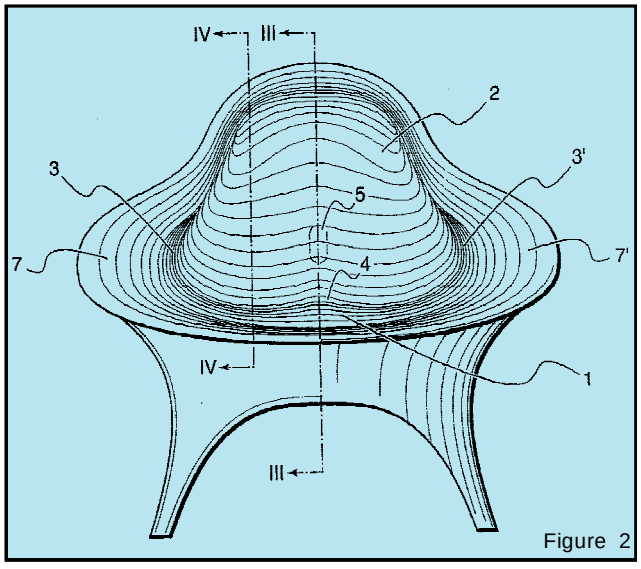

Figure 2

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New innovations.....

people find it difficult to achieve this posture, especially in the beginning. Therefore, this device could be used as an assistive device. Why should any one have any reservation in using such a device if it does not contradict the basic principles of yoga and why shouldn't the innovator be rewarded for designing such a device?

The above cases emerge out of a study of patents granted in respect of yoga or yogic exercises. This effort was driven by a general perception (or concern) that yoga was being patented. Such perceptions cannot be taken lightly nor can be left to conjectures. By using keywords such as yoga, meditation and yogic exercises, an inventory of patents granted in USA, patent applications published in USA and elsewhere has been prepared.

Patents granted in USA since 1978 were searched on the basis of claims and the summary is given below.

Title	Year of grant	Assignee/applicant
Yoga exercise mat	2006	Dawnne Alane, USA
Portable clock with chime signal	2004	Now & Zen Inc., USA
Yoga support system and method	2004	Martha I. Aarons, USA
Yoga balance trainer	2004	Asia Regent Ltd., TW
Yoga mat	2003	Dawnne Alane, USA
Yoga mat holder	2002	Maria Coler, USA
Wall apparatus for supporting an exercise device	2001	Kedric R Wolfe, USA
Mattress with concavity for the breasts	2000	DGF Outdoors, USA
Chair for providing a straight sitting position	1997	Friederike Weiss, Austria
Relaxation chair	1992	Brian Park, USA
Device for yoga exercising	1984	Abram Gin, USA
Device for yoga exercising	1984	Abram Gin, USA
Device for yoga exercising	1981	Abram Gin, USA

Majority of the patents have been granted in the last five and a half years. This perhaps shows the interest in yoga and the need to have new devices to facilitate yogic exercising. The role of innovations is quite obvious in the above patents as they attempt to make yoga more convenient to perform and suitable for many more people leading different life styles. There is no evidence in the above patents of any yogic exercise getting patented.

The study of applications published in USA (18 month, publication) after submission of applications reveals that there are 27 such applications, which include yoga in claims. However, it must be noted that it is not necessary that all these applications would materialize into patents. It is observed that all the titles and claims deal with devices, apparatus, software systems, yoga mats and trainers and there is no application, which attempts at patenting yogic exercises per se. Similar patent applications have also been filed in many other countries such as Australia, Canada, China, France, Germany, Great Britain, Japan, South Korea, Russia and Taiwan. All these deal with support systems, apparatus, trainers and seats.

Three messages emerge from the above data and analysis namely,

1. There is no evidence of any yogic exercise which has been patented. Truly speaking, the observation is in consonance with the basic principles of patent grant i.e., an invention must be novel, inventive and useful to be eligible for grant of a patent. Yogic exercises are known and well documented and hence cannot be candidates for patenting.
2. All the above inventions would actually help in the spread and popularization of yoga as many people will find yogic exercises much simpler with the use of such devices and apparatus. Systems developed for monitoring body parameters while performing yoga would reinstate the scientific basis of yoga.
3. Simple devices like mats should trigger imagination of few to go for innovations, which would facilitate the application of known knowledge and practices because such devices can indeed be patented.

Patent on harnessing helium-3 from moon

The present invention relates to a method of magnetic processing of particulate extraterrestrial material such as lunar soil for recovery of helium-3, which is being viewed by fervent researchers and scientists as the key to meeting future energy demands. According to them, this potential gas source, which is rare on the earth, but more common on the moon's surface, could come in handy as the earth's fossil fuels, such as coal, oil and gas, dry up in the coming decades. The invention also relates to recovery of other valuable components such as anorthite, agglutinates for recovery of native iron, and to a method of beneficiating particulate material such as coal for recovery of low sulfur and low ash clean coal for direct combustion.

This patent was granted by the USPTO on January 5, 1993, to the EXPORTech Company, Inc. (New Kensington, PA).

Background and prior art

The lunar soil is known to contain small amounts of the odd isotope of helium, helium-3, which could be used as a 'clean' burning fuel with deuterium in fusion reactions for generation of electricity on earth or for generation of propulsion power in space.

This is of profound significance for the future of mankind because there is enough of this material in the lunar soil to supply the electrical needs of the U.S. for centuries to come if it can be recovered. Energy calculations suggest that the energy gained from helium-3 mined on the moon and shipped back to earth would be 250 times that used to obtain it.

Helium-3 is a light, non-radioactive isotope of helium. More abundant helium-3 is thought to exist on the moon (embedded in the upper layer of regolith by the solar wind over billions of years) and the solar system's gas giants. Helium-3 undergoes many reactions, of which the following aneutronic fusion reaction is the one most promising for power generation:

D + 3He ® 4He (3.7 MeV) + p (14.7 MeV)

The appeal of helium-3 fusion stems from the nature of its reaction products. Most proposed fusion processes for power generation produce energetic neutrons which render reactor components radioactive with their bombardment, and power generation must occur through thermal means. *In contrast, helium-3 is non-radioactive, and the lone high-energy proton produced can be contained using electric and magnetic fields, which results in direct electricity generation*.

Helium-3 could be extremely advantageous as an efficient and economical fuel for nuclear fusion reactors: extremely potent, nonpolluting, with virtually no radioactive by-product. Fusion reactors are still under development and it may be many decades, if ever, before they provide power commercially. However, once these reactors are in place, it is estimated that they will produce far more power and produce much less radioactive waste than the conventional nuclear reactors.

The helium-3 is known to be concentrated in the mineral ilmenite (FeTiO3) which is found in abundance in lunar mare soils. On the earth's moon there are several types of mineral matter and ores which could function as feedstock for processes that would produce helium-3 and other matters such as oxygen, iron and silicon. However, no commercial method of beneficiating such materials to concentrate the magnetic elements and compounds exists which would make the separation possible and easy.

Magnetic methods are preferred in the beneficiation of extraterrestrial material because of the unique nature of the lunar regolith and because dry processing is desired, since there is no water on the surface of the moon. Further, there is no atmosphere on the surface of the moon and virtually no free oxygen is present. This, plus the unique presence of solar wind implanted hydrogen, have created unusual components in the lunar soils.

The lunar soil has been finely pulverized by meteorite impact throughout millions of years. The impacts release heat and create glassy components and irregular shaped agglutinates containing elemental iron. The agglutinate fractions and "native iron" inclusions are unique to the lunar soil. The agglutinates are a potential source of reduced iron.

At present, there is no single source of information quantifying the distribution of magnetic materials in either terrestrial or extraterrestrial materials. Most magnetic separators known presently are intended for specific applications and the empirical design procedures employed by the manufacturer cannot be

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extended beyond the present usage.

The current approach cannot be used in projecting technology needs for processing lunar soils because these materials are not available in sufficient quantity for this testing and because no lunar simulant suitable for magnetic purposes exists. The agglutinate fraction, which is important to magnetic beneficiation of lunar soils, is unique to the moon because of the presence of the hydrogen reduced iron.

Description of the invention

The present invention relates to a method of dry magnetic separation of particulate material. It is applicable to dry beneficiation of extraterrestrial ores as a feedstock for the production of helium-3 and other elements on a large volume basis. The ore is beneficiated using a magnetic separator, which is preferably used to remove several fractions of magnetic matter from the product, in one preferred embodiment of the invention, by beginning with the most highly magnetic fraction and proceeding through less magnetic fractions. In another preferred embodiment of the invention, the fractions are separated in a single pass through the magnetic separator, employing a novel splitter means.

The magnetic separator can be operated so as to produce a variety of products of differing magnetic susceptibility. The procedure first requires that the electromagnet be calibrated so that magnetic energy gradients can be determined. Next, the separator is operated so as to produce a plurality of sample fractions of differing magnetic susceptibilities. Next, means must be incorporated to measure the magnetic susceptibility ranges and the relevant chemical and physical properties of the separated fractions. These characteristics are then related in a MagnetoGraph. Lastly, means are employed whereby the result of the MagnetoGraph is used to determine the physical and magnetic characteristics of a magnetic separator to process tested materials on a large scale.

Present methods are difficult to apply to studies of weakly magnetic materials such as coal and lunar soils. In the method of calibration described here, the problems associated with the non-linearity of iron based electromagnets have been circumvented by using measured values of the magnetic field to calculate

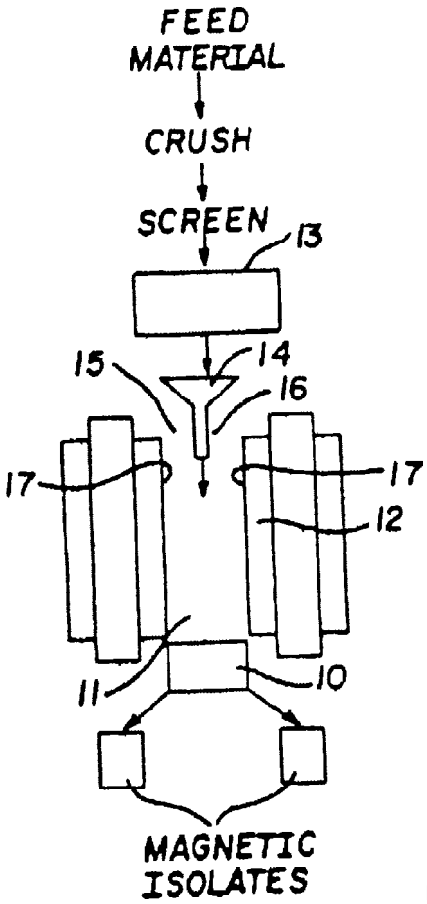

Figure 1

magnetic forces from first principles. With this method, the iron-based Frantz electromagnet can be used conveniently at up to full field strength to carry out analytical separations of feebly magnetic material. No assumptions are required and calibrations employing cumbersome standard materials are avoided.

Fig. 1 illustrates individual steps and components of a preferred method of and apparatus for practicing the present invention. The feed material is air dried and crushed to a suitable size. The material is then screened into multiplicity of screen fractions suitable for subsequent dry magnetic processing.

As the material being separated falls through the magnetized region in the opening between the magnet poles (17), the action of the gradient magnetic field produced by the magnetic separator will cause the paramagnetic particles to move along a line transverse to the direction of fall and the direction of the magnetic field into the regions of higher magnetic field strength and the diamagnetic particles to move into regions of lower magnetic field strength. This tendency to separate is disrupted by

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the effects of collisions between the particles as they pass through the separator. Collisions between paramagnetic and diamagnetic particles as they move under the action of the gradient magnetic field are particularly bothersome because of their oppositely directed momenta.

The region of space 15 between the magnet poles is enclosed by a splitter apparatus which is made of nonmagnetic material. This apparatus serves to contain the particulate material being processed within the magnetic separation region, to channel the flow of air and particulates, and to provide a means for separation and collection of the many different magnetic fractions as they exit the magnetic separator.

Fig. 2 is an enlarged perspective view of the splitter apparatus. A unique feature of the apparatus is the ability to separate particle and air flows as they exit the magnetized separation chamber. As particulates fall through the separation chamber, there is a tendency to carry entrained air with the flow. Since the separation chamber is closed on both sides, there would be no place for the air to exit the separation chamber once the particles had fallen into the canisters, if the bottom of the splitter apparatus were not open to the atmosphere. In the present apparatus, both air and particulates fall into the canisters and the air is returned to the atmosphere outside of the separator, through the open cannister tops.

Without the above feature for removing the air after particle separation, the air which travels with the particles through the separator would return up the separation chamber disrupting the particle flow patterns and destroying the separation efficiency.

A surprising discovery of this work is the fact that paramagnetic material is displaced out of the separator into the regions of low field strength and exits in canisters 0 and 1 and 7 and 8. While this fact is not fully understood at this time, it is believed to be due to interaction of the paramagnetic and diamagnetic particles in the outer shells of the coal stream as it falls through the separator. Since the diamagnetic coal component is in predominance in the first pass, it can push paramagnetic mineral matter out of the high force region if the minerals are on the wrong side of the stream.

Current thinking calls for mining about 5 million tons of regolith per year to obtain approximately 2.25

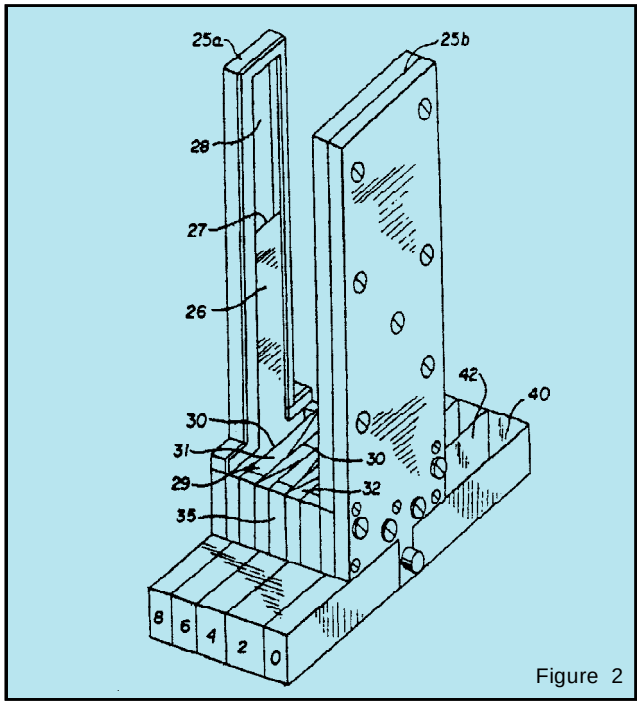

Figure 2

million tons of the minus 50 micron size fraction for thermal processing for helium-3 recovery. It is estimated that this effort will result in 33 kg of helium-3. One kg of helium-3 may produce as much as 10 MW-years of electricity on earth when fusion reactors are operational.

It has been estimated that the solar wind has implanted about one million tons of helium-3 in the fine particle fraction of the lunar regolith and that it tends to be concentrated with the mineral ilmenite in lunar mare soils.

Ilmenite is paramagnetic and can be recovered by dry magnetic separation with use of the methods and apparatus of the present invention. Because of this, the method of MagnetoGraphs will be of great utility in establishing the feasibility of magnetic concentration of helium-3 bearing minerals and rock fragments from the lunar soil and the method and apparatus of the present invention will successfully establish the process for its practical recovery. The use of the methods of this patent can result in a factor of two to five in the amount of material that must be processed for recovery of helium-3 from lunar regolith. This has the potential for making a significant impact on the potential of this new clean fuel.

It is interesting to note that the average temperature in dark areas out of direct sunlight on the surface of the moon is -171° C. or approximately 100° K. This

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temperature is within the range of new high temperature superconducting materials such as the yttrium-barium-copper oxides currently under study. Because of this, magnetic separators employing advanced high temperature superconducting magnet windings may find application in magnetic beneficiation of lunar soils.

Claims

There are 37 claims in the patent. Only 18 claims are being reproduced here. All claims, except the claim 1, have been renumbered.

1. A method of dry magnetic separation for separating materials of different types and levels of magnetism from a raw sample containing particulate material having a range of magnetic susceptibilities, said sample including a feebly magnetic fraction and a strongly magnetic fraction, comprising the steps of:
   a. processing said raw sample through a first dry magnetic separation pass to remove substantially all of said strongly magnetic fraction from said raw sample, thereby separating said strongly magnetic fraction from said feebly magnetic fraction;
   b. processing said feebly magnetic fraction through a second dry magnetic separation pass including a magnetic separator means and a splitter means, thereby separating said particulate material into at least three different magnetic susceptibility fractions, each said fraction exhibiting a range of magnetic susceptibilities, which range is different from each other said range of magnetic susceptibilities of each said other fraction, and thereby producing a spectrum of separate refined particle samples comprising each said fraction;
   c. collecting said refined particle samples comprising each said fraction;
   d. measuring the magnetic susceptibility range of magnetic susceptibilities of each said fraction collected;
   e. correlating said magnetic susceptibility range of at least one said collected fraction with at least one identifying physical and/or at least one chemical characteristic of said collected fraction in order to determine which fraction or fractions are to be recovered for further processing; and
   f. processing said recovered fraction or fractions through at least one additional dry magnetic separation pass including a magnetic separator means and a splitter means, thereby separating said fraction or fractions into at least two different magnetic susceptibility fractions, including a clean fraction and a refuse fraction, said clean fraction having a magnetic susceptibility correlating with said identifying physical and/or chemical characteristics.
2. The method of claim 1 wherein said strongly magnetic fraction has a paramagnetic susceptibility of greater than about $+1 \times 10^{-6}$ cc/gm.
3. The method of claim 1 wherein said raw sample is obtained from earth's moon.
4. The method of claim 3 wherein at least one said fraction contains ilmenite.
5. The method of claim 3 wherein at least one said fraction contains concentrated helium-3.
6. The method of claim 1 wherein said magnetic separator means is capable of producing a magnetic energy gradient greater than 25 million $Gauss^2/cm$ and preferably greater than 100 million $Gauss^2$ /cm.
7. The method of claim 1 wherein said magnetic separator means employs a superconducting magnet to produce a magnetic energy gradient sufficient to perform said separating.
8. The method of claim 7 wherein said superconducting magnet is adapted for dry magnetic separation of said feebly magnetic fraction during said second dry magnetic separation pass, and said separation is carried out at operating temperatures of at least 100° K, achieved by performing said separation in a region out of direct sunlight on the illuminated side of the earth's moon or on the dark side of earth's moon.
9. The method of claim 8 wherein said superconducting magnet is adapted for dry magnetic separation of said feebly magnetic fraction during said second dry magnetic separation pass, said superconducting magnet including a magnetic coil comprised of a high temperature superconducting material, and said separating is achieved at high temperature superconducting operating temperatures, and high temperature superconducting operating

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temperature are achieved by performing said separating on earth's *moon*.

10. The method claim 9 wherein said high temperature superconducting operating temperatures are 100° K or above.
11. The said low temperature superconducting operating temperatures are from 1° to 4.2° K.
12. The method of claim 1 wherein said magnetic separator means employs an electromagnet to produce a magnetic energy gradient sufficient to perform said separating.
13. The method of claim 12 wherein said electromagnet is adapted for dry magnetic separation of said feebly magnetic fraction during said second dry magnetic separation pass, and said separating is carried out at operating temperatures of at least 100° K, achieved by performing said separating in a region out of direct sunlight on the illuminated side of earth's moon or on the dark side of earth's moon.
14. The method of claim 1 wherein said magnetic separator means employs a permanent magnet to produce a magnetic energy gradient sufficient to perform said separating.
15. The said permanent magnet is adapted for dry magnetic separation of said feebly magnetic fraction during said second dry magnetic separation pass, and said separation is carried out at operating temperatures of at least 100° K, achieved by performing said separation in a region out of direct sunlight on the illuminated side of the earth's moon or on the dark side of earth's moon.

The present invention deals with the beneficiation of particulate lunar soil for the recovery of helium-3, which is concentrated in the mineral ilmenite. The invention is novel in the sense that the ore is beneficiated using a magnetic separator; the fractions are further separated in a single pass through the magnetic separator, employing a novel splitter means. Also, lunar stimulants have been used in the present invention, which may have bypassed a major lacuna in previous attempts caused due to limited supply of the test material.

However, possibility also exists that the broad claims made herein may impede future research, as it would come in the way of anyone trying to claim the beneficiation of extraterrestrial soil for the recovery of helium-3.

Patents (Amendment) Rules, 2006

There have been certain amendments in the Indian patents rules as per a notification issued by the Ministry of Commerce and Industry on May 5, 2006. The highlights of the amendments are given below:-

1. The Patent Office used to accept fees for any kind of action such as filing, request for examination, and grant of patent in cash or bank draft or a cheque. It is now possible to pay fees to the patent office through electronic means.

2. The Letters Patent issued by the patent office in future shall be in an altogether different form. The new format of the Letters Patent is very simple as compared to the earlier one. The form is given at the end of this article. Names of inventors would now be mentioned in the Letters Patent. In Letters Patent issued earlier, names of the inventors were not given.

This patent certificate shall be issued within seven days of the grant of the patent, whereas no such period was specified in the earlier rules.

3. Under the Indian Patent Act, permission has to be sought from the Controller for filing a patent application outside India by filing Form 25. Earlier such requests were to be heard within a period of three months from the date of filing of such a request. But with new rules, this action has been speeded up. Now this time has been reduced to mere 21 days. However this does not include inventions relating to defence and atomic energy applications.

4. Actions relating to certain sections of the Patents Act could earlier be taken only at the Head Office in Kolkata. Actions related to these sections can now be taken at all the branches of Patent Office. The sections include register of the patent agents, filing of patents outside India and revocation of patent or amendment of the complete specification on directions from the government in cases relating to atomic energy.

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Patents (Amendment).....

5. In the matter of the payment of fees payable in respect of a document there used to be a relaxation that if the entire fee is not paid at the time of filing the document, it could be paid within one month from the date of filing the document. But now the entire fee has to be paid at the time of submitting the document at the patent office.

6. In case of assignment of the right to apply for the patent, proof of the right to make the application had to be furnished within three months from the date of filing which has now been increased to six months.

Similarly, in case of an application for a patent in any country outside India in respect of the same or substantially the same invention, information and undertaking regarding such foreign applications can be furnished within 6 month as against 3 months according to the earlier rules.

7. With regards to the opposition to the grant of a patent, earlier there was a rule that for the pre-grant opposition, representation had to be made within a period not exceeding three months from the date of publication of the application or before the grant of patent. Under the new rules, this time period has been removed and the patent can be opposed at any time between the date of publication of the application and the grant of the patent.

According to a new rule, no patent shall be granted before the expiry of a period of six months from the date of publication of the application even if there is no opposition.

8. Patent applications are now to be published within one month after expiry of the statutory period of 18 months and, in case of request for an early publication, the application is to be published within one month from the date of request.

9. After the publication of the application, request for examination can now be made within 48 months as against 36 months under the previous rules.

10. The controller will now be required to refer the application to the examiner with in one month of its submission for examination.

11. The proof of the right to make the application and statement /undertaking regarding foreign applications shall be made within 6 months (instead of 3 months), if not furnished with the application.

LETTERS PATENT

THE THIRD SCHEDULE (Refer rule 74)
FORM of PATENT
GOVERNMENT OF INDIA

Patent No_____

Application No_____

Date of Filing_____

Patentee_____

Inventor (s) (Where applicable)_____

It is hereby certified that a patent has been granted to the patentee for an invention entitled _____
_____
as disclosed in the above mentioned application for the term of 20 years from the _____
_____day of _____19/20
_____, in accordance with the provisions of the Patents Act, 1970.

Date of Grant_____ Controller of Patents

(Seal of Office)

Note.-The fees for renewal of this patent, it it is to be maintained, will fall due on _____
day of _____20_____ and on the same day in every year thereafter.

Case Law

Identifying the inventor in UK

Gone are the renaissance days when there used to be a single inventor for a single invention. With the cost of R&D going up and many groups coming together, joint ventures, joint R&D programmes and contract based research projects are now becoming popular. This results in more than one inventor per single invention. Often written agreements are signed between collaborating companies over the claims of joint inventorship and joint ownership. The chances of dispute over the ownership issue of IP increase if the collaborating companies do not take sufficient measures in advance to define the principles and details of sharing ownership. Also establishing inventors' rights and ownership of the resulting patents can be an intensive, time consuming exercise, often requiring a detailed factual investigation of the process which led to the invention.

The UK courts have developed a solution for working out who is responsible for devising an invention in circumstances when there have been contributions from a number of different people to an invention which contains a combination of a number of elements. The first stage is to identify the key inventive concepts described in the patent. At the second stage one must then seek to identify who "in substance" made the combination of elements that embody the invention, i.e. who was responsible for the inventive concept. This test for identifying the right inventor was applied in the UK courts in a case law decided recently.

The dispute arose from an informal collaboration between an academic working at a university and a research consultant working in a different technical area: IDA and others vs The University of Southampton and others. The dispute resulted in a claim for patent entitlement that was initially brought in the The Patent Office decided in favour of Mr. Metcalfe. This was challenged by Prof. Howse in the Patents Court in July 2004. Later IDA and Mr. Metcalfe appealed in January 2006 in the Court of Appeal.

Case in detail

The case was fought over a patent for trapping and killing insects. In 1992, a patent was filed by the University of Southampton entitled "Pest Control"with Prof. Howse as inventor. The invention claimed in this first patent involved the use of electrostatically charged particles as part of an insect trap. Insects were lured on to a surface covered in the charged particles and their feet would become coated with them. As a result, they would lose their ability to grip to surfaces and the patent described various mechanical devices with inclined ledges which could then be used to trap the destabilised insects.

Following some publicity of this invention in a national newspaper in 1998, Metcalfe, a consultant for IDA Limited (who were specialists in magnetic powders) telephoned professor. Howse and suggested him to substitute electrostatically charged powders with magnetic particles for the insect trap. Subsequently, the Professor had his graduate students test Mr Metcalfe's idea and they found that it worked. A second patent was applied for by The University of Southampton on the "magnetic particles" idea for insect traps but Mr Metcalfe was not named as an inventor.

IDA and Mr. Metcalfe claimed that the use of compositions containing magnetic particles in insect traps was their invention. The Patent Office determined that the sole inventor was Mr Metcalfe. On appeal to the Court of Appeal, Judge Laddie, J. decided that the parties should be awarded joint inventorship and he re-instated Prof. Howse as an inventor. IDA and Mr Metcalfe appealed to the Court of Appeal.

The Court of Appeal's opinion

The Court of Appeal held that the substitution of magnetic particles for electrostatic particles was the inventive step for the second patent which was provided only by Mr Metcalfe. This was despite the fact that Mr Metcalfe did not actually know whether his idea would work when he spoke to Prof. Howse over the telephone.

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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 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 Date
A. Jan 21, 2006				
197891	ECOMPOST PTY LTD.	AN AERATOR FOR A COMPOSTING BIN	09-07	6/16/2004
196369	BELLE ENGINEERING (SHEEN) LTD.,	A COMPACTOR	08-02	1/23/2004
196370	BELLE ENGINEERING (SHEEN) LTD.,	A COMPACTOR	08-02	1/23/2004
197735	OSAW INDUSTRIAL PDTS. PVT. LTD.,	NEWTON'S RING APPARATUS	10-04	12/2/2004
198525	CLABBER S.P.A.	WATERING PISTOL	23-99	12/2/2004
198774	KHADIM HOLDINGS PVT.LTD.	FOOTWEAR	02-04	3/15/2005
197414	SARA LEE HOUSEHOLD AND BODY CARE	AIR DEODORSING APPARATUS	23-04	4/27/2004
198102	KAKARLA ELECTRICS & ELECTRONICS PVT. LTD.,	STABILIZER	13-03	1/4/2005
197333	MITSUBISHI PENCIL CO. LTD.,	BALLPOINT PEN	19-06	4/15/2004
197334	MITSUBISHI PENCIL CO. LTD.,	BALLPOINT PEN	19-06	4/15/2004
197688	RECKITT BENCKISER (UK) LTD.,	NON-SHAVING SCRAPER TOOL	28-03	7/30/2004
196201	SIEMENS AKTIENGESELLSCHAFT	ELECTRICAL DEVICE	13-03	2/6/2004
196637	H.A.G.CARPETS PVT. LTD.,	CARPET	06-11	8/12/2004
198718	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
198739	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
197587	TUAREG MARKETING PVT. LTD.,	FOOD PROCESSOR	31-00	11/10/2004
197593	TUAREG MARKETING PVT. LTD.,	FOOD PROCESSOR	31-00	11/10/2004
197589	TUAREG MARKETING PVT. LTD.,	FOOD PROCESSOR	31-00	11/10/2004
197588	TUAREG MARKETING PVT. LTD.,	FOOD PROCESSOR	31-00	11/10/2004
198749	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
198751	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
197590	TUAREG MARKETING PVT. LTD.,	FOOD PROCESSOR	31-00	11/10/2004
197592	TUAREG MARKETING PVT. LTD.,	FOOD PROCESSOR	31-00	11/10/2004
B. Jan 28, 2006				
198728	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
198737	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
198742	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
197591	TUAREG MARKETING PVT. LTD.,	FOOD PROCESSOR	31-00	11/10/2004
198505	LUXOR WRITING INSTRUMENTS (PVT.) LTD.,	HIGHLIGHTER	19-06	2/15/2005
198729	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
198746	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
198740	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
198727	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
198243	MRF LTD.,	PRECURED TREAD RUBBER	12-15	1/24/2005
197144	HONDA MOTOR CO.LTD.,	METER DEVICE FOR MOTOCYCLE	12-16	3/29/2004
198518	M.V.M.HANGERS PVT. LTD.,	CLOTHES HANGER	06-08	2/15/2005
197967	NISSAN JIDOSHA KABUSHIKI KAISHA	AUTOMOBILE	12-08	8/24/2004
198516	M/S FEATHERLITE PDTS. PVT. LTD.,	CHAIR	06-01	2/15/2005
198517	M/S FEATHERLITE PDTS. PVT. LTD.,	CHAIR	06-01	2/15/2005
198242	MRF LTD.,	PRECURED TREAD RUBBER	12-15	1/24/2005
198355	LG ELECTRONICS INDIA PVT. LTD.,	GRILLS FOR AIR CONDITIONER	23-04	1/31/2005

Litigation Watch

Monsanto Co. has agreed to pay the University of California more than $100 million to settle the University's claim that the company infringed on its patent relating to a hormone that makes cows produce more milk. The University's board of regents sued Monsanto for patent infringement in 2004.

(Patent World, May 2006)

Roche Holding AG has sued Ranbaxy Laboratories Ltd. to prevent it from selling the generic versions of antiviral drug Valcyte. Roche has claimed that the leading Indian drug maker's proposed generic versions of the drug used for primarily treating eye infections, will infringe its patent that expires in 2014.

(The Financial Express, May 5, 06)

Cipla has opposed the patent application on Oseltamivir (Tamiflu), a drug that become popular at the peak of the bird-flu epidemic. The pre-grant opposition was filed at the Patent Office in New Delhi.

(Business Line, May 2, 2006)

Domestic companies Ranbaxy Laboratories Ltd and Dr. Reddy's are set to gain after the US court ruling on cholestrol lowering drug, Zocor. A US court ruled that USFDA has unfairly rejected Israel-based Teva and Ranbaxy's petition for grant of EMR of a generic version of Merck's $ 4 billion drug Zocor.

(The Times of India, May 3, 2006)

The Delhi High Court has restrained four lawyers from using information "taken away" from their previous employer in a confidentiality breach case. The injunction restrained the lawyers and their representatives, partners, associates, and the employees from using the data and confidential information "stolen" from

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Number	Applicant	Design Name	Class	Registration Date
198578	RABINDRA NATH BOSE	MOBILE GLASS HOUSE USED FOR PROTECTION OF PLANTS	25-02	2/22/2005
198015	KONINKLIJKE PHILIPS ELECTRONICS	DESK LAMP	26-05	6/30/2004
198018	KONINKLIJKE PHILIPS ELECTRONICS	DESK LAMP	26-05	6/30/2004
199000	HONDA MOTOR CO.LTD.,	FRONT COWL FOR MOTORCYCLE	12-11	9/1/2004
198124	MICRON PLASTICS (P) LTD.,	STABILIZER	13-03	1/3/2005
198817	NISSAN HOMEWARE	WATER BOTTLE	09-01	3/8/2005
198410	VEEPLAST HOUSEWARE PVT. LTD.,	WATER JUG	07-01	2/3/2005
198949	NILKAMAL PLASTICS LTD.	CRATE	09-04	3/29/2005
198951	NILKAMAL PLASTICS LTD.	CRATE	09-04	3/29/2005
198950	NILKAMAL PLASTICS LTD.	CRATE	09-04	3/29/2005
198680	JAMBO IMPEX	BROOM	04-01	3/3/2005
198505	MEDICARE EQUIPMENTS (I) PVT. LTD.	IAPHRAGM PUMP	24-99	9/29/2004
197710	DONALDSON CO.	END CAP FOR FILTER ELEMENT	23-99	11/16/2004
197657	LION DATES IMPEX (P) LTD.	CONTAINER	09-03	11/19/2004
198747	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198750	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198754	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198752	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198741	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198723	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
C.Feb4,2006				
198398	PIDILITE INDUSTRIES LTD.	JAR	09-01	1/31/2005
198400	PIDILITE INDUSTRIES LTD.	JAR	09-01	1/31/2005
198287	THERMOPLAST INDUSTRIES PVT. LTD.	TIFFIN CARRIER	09-03	1/13/2005
198726	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198738	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198725	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198735	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198734	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198733	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198731	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198730	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198748	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198719	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198722	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198745	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198744	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198743	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198716	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198715	GENESIS COLORS PVT.LTD.	TEXTILE FABRIC	05-05	3/3/2005
198290	CAMLIN LTD.	PEN	19-06	1/13/2005
196660	KUBOTA CORP.	AGRICULTURAL TRACTOR	12-09	6/16/2004
198368	ALERT INDIA	SOLE FOR FOOTWEAR	02-04	1/28/2004
197274	ZAVERCHAND SHAH	FRY PAN	07-02	9/29/2004
197649	JAGDISH PUROHIT	NOZZEL	28-99	11/18/2004
197320	HENKEL KOMMANDITGESELLSCHAFT AUG AKTIEN	TAPE DISPENSER	19-02	4/23/2004
196678	SAMSUNG ELECTRONIC CO. LTD	MOBILE PHONE	14-03	5/24/2004
196674	SAMSUNG ELECTRONIC CO. LTD	MOBILE PHONE	14-03	5/24/2004
197416	SARA LEE HOUSEHOLD AND BODY CARE	REFILL BOTTLE WITH CAP	09-01	4/27/2004
197340	HOPE INTERNATIONAL INC.	DIAMONDS	11-01	10/18/2004
197415	SARA LEE HOUSEHOLD AND BODY CARE	AIR DEODORSING APPARATUS	23-04	4/27/2004
198246	SMT. PUSHPA DEY	BOTTLE	09-01	1/24/2005
197660	B.R. PLASTICS	COMB	28-03	11/30/2004
196655	SIERRA WIRELESS INC	ELECTRONIC COMMUNICATION DEVICE	14-03	2/10/2004
196654	SIERRA WIRELESS INC	ELECTRONIC COMMUNICATION DEVICE	14-03	2/10/2004
197501	IDEAPLUS EXPORTS	TEXTILE FABRIC	05-05	10/28/2004

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Litigation Watch.....

their erstwhile employer.

(The Economic Times, May 16, 06)

A federal jury in east Texas gave a $ 133 million verdict against Microsoft Corp. and Autodesk Inc. for infringing two software patents owned by Michigan Technology Co.

(The Hindu, April 21, 2006)

Royal Philips Electronics NV, Europe's largest consumer electronics maker, had accused Eastman Kodak Co., the world's number one photography company of infringing a US patent for a method of handling data in digital cameras. The suit seeks a jury trial, unspecified damages and an order to stop the Kodak's sale of the products.

(Business Line, April 21, 2006)

The Delhi High Court has held that the Indian whisky manufacturers cannot use the word "Scot" or "Scotch" in compliance with the WTO agreement. As these words identify whisky produced in Scotland, therefore domestic manufacturer can use them to market its liquor. The development could be a big jolt to the domestic liquor industry.

(Hindustan Times, April 23, 2006)

An Austrian panel has ruled in Ranbaxy Laboratory Ltd's favour in a patent litigation against Pfizer involving cholesterol drug Lipitor in that country.

(The Telegraph, April 26, 2006)

Chinese firms accused of rampant piracy, have paid over $ 1 billion in compensation to their foreign counterparts due to disputes over IPR since the country joined WTO in 2001. The IPR related disputes mainly occurred in industrial sectors as films, colour televisions, motorcycles, digital

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Number	Applicant	Design Name	Class	Registration Date
192222	MERZ & KRELL	WRITING INSTRUMENT WITHOUT CAP	19-06	12/16/2002
196568	SOCIETE BIC	A FUEL SUPPLIES FOR FUEL CELLS	13-02	2/12/2004
196466	ELECTROLUX KELVINATOR LIMITED	REFRIGERATOR	08-06	8/3/2004
198135	GLITTERS INTERNATIONAL	CURTAIN BRACKET	08-08	12/30/2004
192224	MERZ & KRELL	WRITING INSTRUMENT	19-06	12/16/2004
197373	KONINKLIJKE PHILIPS ELECTRONICS N.V.	COUPLING DEVICE FOR LIGHTING MODULE	26-05	4/23/2004
198025	SWAROVSKI AKTIENGESELLSCHAFT	ORNAMENTAL OBJECT	11-02	6/30/2004
197508	AL AHRAN BEVERAGES CO.S.A.E.	BOTTLE	09-01	4/24/2004
198134	GLITTERS INT.	CURTAIN BRACKET	08-08	12/30/2004
198604	MIDO LUMIERE PVT.LTD.	LAMPSHADE	26-05	2/24/2005
198606	MIDO LUMIERE PVT.LTD.	LAMPSHADE	26-05	2/24/2005
198605	MIDO LUMIERE PVT.LTD.	LAMPSHADE	26-05	2/24/2005
198133	GLITTERS INT.	HANDLE	08-06	12/28/2004
198024	SWAROVSKI AKTIENGESELLSCHAFT	ORNAMENTAL OBJECT	11-02	6/30/2004
196571	SOCIETE BIC	A FUEL SUPPLIES FOR FUEL CELLS	13-02	2/12/2004
196570	SOCIETE BIC	A FUEL SUPPLIES FOR FUEL CELLS	13-02	2/12/2004
196569	SOCIETE BIC	A FUEL SUPPLIES FOR FUEL CELLS	13-02	2/12/2004
D.Feb11,2006				
196953	HINDUSTAN LEVER LIMITED	BOTTLE	09-01	3/24/2004
197372	KONINKLIJKE PHILIPS ELECTRONICS N.V.	LIGHTING MODULE	26-05	4/23/2004
197371	KONINKLIJKE PHILIPS ELECTRONICS N.V.	LIGHTING MODULE	26-05	4/23/2004
197370	KONINKLIJKE PHILIPS ELECTRONICS N.V.	LIGHTING MODULE	26-05	4/23/2004
197789	PROGRESSIVE ELECTRICAL INDUSTRIES	SWITCH	13-03	12/7/2004
197790	PROGRESSIVE ELECTRICAL INDUSTRIES	PLATE FOR ELECTRICAL ACCESSORIES	13-03	12/7/2004
196730	ALEMAC INDUSTRIES	MODULAR PLATE	13-03	8/16/2004
198602	PROF. DR. MAYILVAHANAN NATRAJAN	PROSTHETIC ARTICLE	24-03	2/14/2005
198160	PAWAN CYCLE INDUSTRIES	BICYCLE BELL	10-06	1/12/2005
198265	NILKAMAL PLASTICS LTD.	CHAIR	06-01	1/25/2005
196815	INDO ASIAN FUSEGEAR LTD.	MINIATURE CIRCUIT BREAKER	13-03	8/20/2004
196822	THE RISHABH VELVELEEN LTD.	TEXTILE FABRIC	05-05	8/23/2004
193954	MORRIS CORP.	WRITING INSTRUMENT	19-06	7/14/2003
197968	ZALMAN TECH CO. LTD.	RADIATOR FOR COOLING CHIPSET FOR GRAPHICS CARD	23-99	9/20/2004
197638	NS PLANNING INC.	DOCUMENT HOLDER	19-02	5/6/2004
197916	SN INDUSTRIES	DOOR SPRING	08-07	12/16/2004
196823	THE RISHABH VELVELEEN LTD.	TEXTILE FABRIC	05-05	8/23/2004
196731	ALEMAC INDUSTRIES	MODULAR PLATE	13-03	8/16/2004
198075	GODREJ SARA LEE LTD.	MOSQUITO REPELLANT COIL	22-06	12/28/2004
197941	GODREJ SARA LEE LTD.	MOSQUITO REPELLANT COIL	22-06	12/13/2004
197184	AIRSCANNERS ENGINEERS & FABRICATORS	MOTOR FOR AIRCONDITIONER	13-01	10/6/2004
198220	SILVERLINE BRASS INDUSTRIES	SOAP CASE	08-01	1/18/2005
198191	HEALTH & BEAUTY CARE PVT. LTD.	BOTTLE	09-01	1/12/2005
198463	M/S H & R JOHNSON (INDIA) LTD.	TILE	25-01	2/3/2005
198456	M/S H & R JOHNSON (INDIA) LTD	TILE	25-01	2/3/2005
197644	INT. BROOM PDTS.	BROOM	04-01	11/18/2005
198459	M/S H & R JOHNSON (INDIA) LTD.	TILE	25-01	2/3/2005
198461	M/S H & R JOHNSON (INDIA) LTD.	TILE	25-01	2/3/2005
198455	M/S H & R JOHNSON (INDIA) LTD.	TILE	25-01	2/3/2005
198457	M/S H & R JOHNSON (INDIA) LTD.	TILE	25-01	2/3/2005
198458	M/S H & R JOHNSON (INDIA) LTD.	TILE	25-01	2/3/2005
198473	KONINKLIJKE PHILIPS ELECTRONICS N.V.	AUDIO/VIDEO SYSTEM	14-03	8/25/2004
198591	RELIANCE LIFE SCIENCES PVT. LTD.	CELL CULTURE TRANSPORT CONTAINER	24-02	2/15/2005

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Litigation Watch.....

cameras, MP3 chips, autos and telecommunication equipments. **(The Financial Express, April 29, 2006)**

Flash memory provider Spansion Inc. has filed a trademark infringement lawsuit against Taiwan-based Macronix International and Macronix America in the US District Court. The lawsuit alleges that Macronix violated the Federal Lanham Act and made false statements about being an authorized secondary source for and fully compatible with Spansion's MirrorBit Flash memory products. **(Trademark World, April, 2006)**

The Patent and Trademarks Registrar in Israel has rejected Elite's opposition to Kraft Foods' registration of 'Milka's Wave with Cow' trademark. After examining the colours, the shape of the cow figure, the background, and the writing, the registrar rejected Elite's claims and ruled in Kraft's favour, stating that the respective trademarks are different and that there is no likelihood of confusion between the two. **(Trademark World, April, 2006)**

Pharmaceutical company Roche has won its lawsuit against parallel importer Kent for trademark infringement. Its suit alleged that a consignment of goods imported by Kent from France was first marketed in the Dominican Republic on the basis that it would be used exclusively in clinical trials but would not be resold or transferred to other parties. Chancery Division judge Mr. Justice Lewison ruled in favour of Roche stating that Kent, by not seeking Roche's permission to market the goods had acted illegally. **(Trademark World, April, 2006)**

Cyber-squatter Brad Norrish has lost ownership of the internet

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Number	Applicant	Design Name	Class	Registration Date
196824	RAJINDRA AGRO INDUSTRIES	STREW REPAIR	15-03	8/30/2004
198601	PROF. DR. MAYILVAHANAN NATRAJAN	PROSTHETIC ARTICLE	24-03	2/17/2005
198594	GLITTERS INTERNATIONAL	COAT HOOK	08-06	2/16/2005
198592	GLITTERS INTERNATIONAL	HANDLE	08-06	2/16/2005
197891	ECOMPOST PTY LTD.	AN AERATOR FOR A COMPOSTING BIN	09-07	6/16/2004
196369	BELLE ENGINEERING (SHEEN) LTD.	A COMPACTOR	08-02	1/23/2004
196370	BELLE ENGINEERING (SHEEN) LTD.	A COMPACTOR	08-02	1/23/2004
197735	OSAW INDUSTRIAL PDTS. PVT. LTD.	NEWTON'S RING APPARATUS	10-04	12/2/2004
198525	CLABBER S.P.A.	WATERING PISTOL	23-99	12/2/2004
198774	KHADIM HOLDINGS PVT.LTD.	FOOTWEAR	02-04	3/15/2005
197414	SARA LEE HOUSEHOLD AND BODY CARE	AIR DEODORSING APPARATUS	23-04	4/27/2004
198102	KAKARLA ELECTRICS & ELECTRONICS PVT. LTD.	STABILIZER	13-03	1/4/2005
197333	MITSUBISHI PENCIL CO. LTD.,	BALLPOINT PEN	19-06	4/15/2004
197334	MITSUBISHI PENCIL CO. LTD.,	BALLPOINT PEN	19-06	4/15/2004
197688	RECKITT BENCKISER (UK) LTD.,	NON-SHAVING SCRAPER TOOL	28-03	7/30/2004
196201	SIEMENS AKTIENGESELLSCHAFT	ELECTRICAL DEVICE	13-03	2/6/2004
196637	H.A.G.CARPETS PVT. LTD.,	CARPET	06-11	8/12/2004
198718	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
198739	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
197587	TUAREG MARKETING PVT. LTD.,	FOOD PROCESSOR	31-00	11/10/2004
197593	TUAREG MARKETING PVT. LTD.,	FOOD PROCESSOR	31-00	11/10/2004
197589	TUAREG MARKETING PVT. LTD.,	FOOD PROCESSOR	31-00	11/10/2004
197588	TUAREG MARKETING PVT. LTD.,	FOOD PROCESSOR	31-00	11/10/2004
198749	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
198751	GENESIS COLORS PVT.LTD.,	TEXTILE FABRIC	05-05	3/3/2005
197590	TUAREG MARKETING PVT. LTD.,	FOOD PROCESSOR	31-00	11/10/2004
197592	TUAREG MARKETING PVT. LTD.,	FOOD PROCESSOR	31-00	11/10/2004

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Case Law .....

The Court of Appeal further said that the contribution of Prof. Howse and one of co-workers amounted only to adding common general knowledge in the art, rather than to the formulation of any inventive concept contained in the disputed patent.

The Court also held that those who contribute enough information by way of enablement to make a non-enabling idea work would likely qualify as "actual devisors" of an invention. However those who contribute no more than unnecessary detail cannot count as "actual devisors". Professor Howse's research workers at the university who had demonstrated that Mr Metcalfe's "magnetic particles" idea worked had done nothing more than add to Mr Metcalfe's invention their common general knowledge. They did not therefore qualify as actual devisors of any inventive concept in the second patent.

The Court of Appeal therefore reinstated the original decision of the Patent Office and awarded the inventorship of the second "magnetic particles" patent solely to Mr. Metcalfe.

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Litigation Watch.....

domain 'espn.com.au' after WIPO ruled that it is too similar to US sporting TV network ESPN's 'espn.com'. ESPN accused Norrish's company, IMCO Corp, of using the domain name to divert website users to two misleading and deceptive schemes for its own gain.
(Trademark World, April, 2006)

Pendleton Woolen Mills has settled its trademark infringement lawsuit against KMart Corp. over bed sheets that Pendleton claimed infringed its Pendleton and Teepee Logo trademarks. Pendleton filed the Canadian federal lawsuit in November 2005, seeking an injunction to bar KMart from selling the bed sheets and in response KMart cooperated with Pendleton and promptly withdrew the bed sheets from the marketplace.
(Trademark World, April, 2006)

The UK High Court has ruled that the World Wildlife Fund can seek compensation from the World Wrestling Federation for breach of a trademark agreement that could net the charity up to US $100 million. The two organizations have been at loggerheads over the use of the WWF trademark for well over a decade and until now things had settled down a little after they came to an agreement in January 1994, with the Federation eventually renaming to WWE – World Wrestling Entertainment.
(Trademark World, April, 2006)

The European Court of First Instance has rejected an appeal by Swiss food company Nestle to use the trademark 'Quicky' in its Belgian advertising. In previous attempts by Nestle, The Office of Harmonization for the Internal Market (OHIM) refused to register the word as a trademark after the move was opposed by Belgian hamburger

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Litigation Watch.....

chain, Quick Restaurants, which already owned the trademarks 'Quick' and 'Quickies'. Nestle has used the character of a cartoon rabbit to advertise its Nesquick brand since 1973 and wanted to supplement it with the word 'Quicky.' In its ruling the court stated that there was a risk of causing confusion in the minds of the Belgian public, who might think Nestle's Quicky brand was linked to the hamburger chain.

(Trademark World, April, 2006)

The Danish Supreme Court has issued a decision that confirms that Internet Service Providers (ISPs) can be forced to terminate the Internet connections of customers involved in internet piracy. The decision in the case, which revolved around several individuals operating illegal FTP servers, means that ISPs will be obliged to stop providing internet services to customers found to be using those services to distribute copyright material over P2P networks.

(Copyright World, April, 2006)

Dyson has won its lawsuit against Europe's largest manufacturer and distributor of domestic appliance spare parts, Qualtex, after the England and Wales Court of Appeal ruled that Qualtex had infringed Dyson's design rights in spare parts and accessories for the vacuum cleaners it sells.

(Copyright World, April 2006)

Sony lost its four-year battle over its PlayStation 2 Dual Shock Controller after the Federal District Court in California recently ruled that it infringed on a patent owned by US company Immersion and must therefore pay it $90.7 million in damages. The court also ordered Sony to stop the manufacture and sale of its PlayStation consoles in the US. The suit began in 2002 when Immersion sued Sony claiming that its range of PlayStation controllers, accessories and games that included the technology, infringed on two of its patents.

(Patent World, May 2006)

Toyota motor company has filed a Japanese lawsuit against UK based patent company Antonov PLC. Toyota accused Antonov of infringing a patent drive train, which balances the drive from an engine and an electric motor with the load from a vehicle and a generator.

(Patent World, May 2006)

Shire Laboratories Inc. has filed a lawsuit in the US District Court against Teva Pharmaceutical Industries Ltd alleging infringement of two of its patents. The lawsuit stems from an Abbreviated New Drug Application (ANDA) filed by Teva for generic versions of Adderall XR, Shire's Attention Deficit Hyperactivity Disorder medicine.

(Patent World, May 2006)

German telecommunications company Teles sued Nokia for patent infringement over the handset maker's VoIP phone. In a statement on Teles' website, the company says the Nokia 6136 infringes by means of its 'GSM fallback' functionality.

(Patent World, May 2006)

Sweden's Telefonaktiebolaget LM Ericsson has filed a lawsuit in four countries against Samsung Electronics Co. Ltd., after the two companies failed to reach an agreement on royalty payments with courts in the US, the UK, Germany and the Netherlands to hear the actions. The patents in question related to key mobile technology standards including the Global System for Mobile communications, General Packet Radio Service and Enhanced Data rates for Global Evolution. The two companies were unable to renew the license, which expired on December 31, 2005.

(Patent World, May 2006)

The operators of the Bear-Share on-line file sharing service has agreed to pay $ 30 million to avoid potential copyright infringement lawsuits from the recording industry. Free peers was one of seven file swapping software companies to receive letters from the recording industry.

(Hindustan Times, May 6, 2006)

Singapore MP3 Company Creative Technology Ltd. has sued Apple Computer Inc for its US patent infringement. The company is seeking an injunction and increased damages for alleged violation of its "Zen" patent.

(The Economic Times, May 18, 06)

The European Court of First Instance has ruled that The Royal County of Berkshire Polo Club (RCBPC) cannot use its polo player logo on branded goods such as perfumes and soaps because it is likely to be confused with trademarks registered in the US by the New York designer, Polo Ralph Lauren.

(Trademark World, April 2006)

Wireless technology supplier Qualcomm had filed a suit against Finnish mobile phone maker, Nokia, alleging that it had infringed on two Qualcomm patents in Britain. The suit covers high-speed wireless technologies that are popular in Europe.

(The Economic Times, May 26, 06)

Domestic News

BEL has been granted patent rights for inventing the Electronic Voting Machines (EVM) by the patent office in the country in addition to the Registry of Patents, Singapore and the Registrar of Patents, Namibia.

(The Statesman, April 18, 2006)

Remfry & Sagar is the first Indian legal firm specializing in IPR issues to set shop in China, as more and more Chinese companies apply for patents. The firm deals in trademarks, copyrights, patents and designs, corporate law, foreign investment, company formation & management, mergers & acquisitions and licensing & transfer of technology.

(Hindustan Times, April 18, 2006)

Software companies in India lose a staggering half a billion dollar a year to pirated software. The piracy rate has risen from 73% with loses amounting to $ 363 million in 2003 to 74 % and the consequential loss totaling $ 519 million in 2004.

(Business Line, April 26, 2006)

The US is set to put in place an institutional framework in Delhi to lobby for changes in India's patent and copyright laws and enforce them. This will block or delay the entry of cheaper copies of patented inventions. The US embassy in India will get an exclusive IPR attaché. Top US attorney Dominic Keating from the USPTO will join the embassy. He will exclusively work with New Delhi on strengthening cooperation between the countries in IPR protection.

(New Indian Express, April 27, 06)

With laws protecting IPRs getting streamlined, the government has received nearly 23,000 patent applications during 2005-2006. In comparison the number of applications received during the previous financial year was 17,466. The situation is undergoing change, considering that the government received only 5,000 patent applications in 2000-2001.

(The Economic Times, April 28, 06)

The Union Ministry of HRD has reconstituted the Copyright Board with effect from April 5, 2006 for a period of 5 years. Dr. Raghubir Singh of New Delhi is the Chairman of the board.

(The Hindu, April 29, 2006)

Patient rights groups have launched a legal offensive against a patent application by US-based Gilead Sciences in India for tenofovir dispproxil fumarate, commonly known as tenofovir. If tenofovir is granted a patent, the manufacture of cheaper versions in India will become illegal, making the drug too expensive for patients in developing countries.

(DNA, May 12, 2006)

With 32 applications for patents, the Indian Research & Development team of Adobe Systems would file for 4 more patents in the technology domain, in areas pertaining to content retrieval and access in media; user interface and interaction; and interactive e-mail. So far, 32 patents have been filed based on the work done from India in areas such as mobile devices, PDF content creation, image understanding and image processing, data compressing and rich internet application.

(Business Line, May 19, 2006)

International News

The owner of the world's largest skyscraper, Financial Center Corp (TFCC), has been granted a three-dimensional trademark for the building after it became increasingly annoyed that the country's biggest tourist attraction was constantly being used on postcards and souvenir memorabilia without any approval from the company.

(Trademark World, April, 2006)

According to a survey by the General Administration for Industry and Commerce of China, China for the fourth time in a row has made more trademark applications than any other country with 838,000 applications filed last year alone, a 10% growth from 2004.

(Trademark World, April 2006)

After decades of failed attempts to copyright a particular perfume, cosmetics company L'Oreal has finally persuaded the French courts that its perfumes are entitled to be protected from copying, with the Paris District Court ruling that a scent is a work of art just like a painting or a song and is therefore entitled to copyright protection. L'Oreal, which has previously only been able to protect itself from counterfeiters, filed for charges against Dubai-based perfume manufacturer, Bellure, after it discovered that the company was selling near identical copies of 13 of its major perfumes.

(Copyright World, April 2006)

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International News .....

The UK Patent Office (UKPO) has granted Sun Microsystems Inc. a patent to protect its Java Byte code instructions. This is contrary to the earlier stand taken by UKPO not to grant patents to pure software.

(Patent World, May 2006)

Copyright Watchdogs have opened a permanent office in Beijing's Silk Alley, a famous indoor market for selling rip-offs of famous foreign brands. The office staffed by eight officials is equipped with digital cameras that will patrol the alley throughout opening hours.

(Hindustan Times, May 1, 2006)

The owners of nineteen international brands like Adidas, Puma, Louis Vuitton, Calvin Klein, Chanel and Gucci etc. have joined hands to fight against theft of IPR in China. Firms producing these brands are taking the fight against theft of IPR to the doors of retail shops instead of relying on the Chinese government to protect them.

(The Times Of India, May 5, 2006)

Drug companies will have less opportunity to extend patent protections for their products in EU. The European Court of Justice restricted the availability of supplementary protection certificates that can extend monopoly protection by up to five years after a patent has expired.

(Business Standard, May 6, 06)

Small US companies looking at investing in India will soon have access to a web based tool kit that will give IPR regime in India. The tool kit, being developed by the American Embassy and the US Commerce and State Departments, will provide information on trademark, patent and copyright law in India.

(The Financial Express, May 22, 06)

Microsoft and NEC have reached a cross-licensing agreement to share patents to facilitate their expanded cooperation in corporate networking and servers. Microsoft and NEC will cooperate in development and sales of network products for corporate customers by combining customer's hardware such as servers and routers with Microsoft's communication and business software. Microsoft's cross-licensing agreement with NEC follows a similar deal with Toshiba, allowing them to use each other's patents on computer and digital electronic technologies.

(The Economic Times, May 26, 06)

RPG Life Sciences Ltd. (RPGLSL) has received an Australian patent for its novel formulation of cyclosporine, an immunosuppressant used in patients that have undergone transplants. The patent would allow RPGLSL to market the cyclosporine formulation in Australia and the drug has a global market of more than $ 1.2 billion. The company has already received a patent for the cyclosporine formulation in South Africa.

(Business Line, May 26, 2006)

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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