



A BULLETIN
FROM
TIFAC

INTELLECTUAL PROPERTY RIGHTS (IPR)

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Japan plans new IPR strategy

The Japanese government has apparently come to the conclusion that creation, protection and exploitation of intellectual property is essential for enhancing Japanese competitiveness and revitalising its economy. An outline of IP Policy was prepared in July 2002. Based on this outline 'Basic Law on Intellectual Property' was enacted in November 2002. In accordance with this law Intellectual Property Policy Headquarters was established in the Cabinet Secretariat in March 2003. The Headquarters consist of the Prime Minister as the Director General, State ministers, professors and attorneys. The Headquarter has now issued "Strategic Program for the Creation, Protection and Exploitation of Intellectual Property". The program was released on July 8, 2003.

The Strategic Program is a set of specific policies to review conventional systems and practices thoroughly and to establish the world's best IP system. Japan wishes to become an IP based nation, which means a new emphasis on innovation and promoting technology, design, brands and

contents. The five basic objectives are :

1. Promotion of creation of IP (universities and publicly funded research institutions)
2. Protection of IP (subsequently patent examination, reforming dispute settlement system etc)
3. Development of environment for IP exploitation (standardization activities)
4. Expansion of content business (movies, games, animation, TV programs)
5. Developing human resources and improving public awareness

One of the issues addressed relates to the benefit to an inventor employee of a company. It is firmly believed that R&D incentives to inventor must be secured. As per the present laws an employee is entitled to a non-exclusive licensing on the patent rights of an employee. It entitles the employee to a reasonable remuneration when the invention is passed from the employee to the employer. It is reported that many employees have filed lawsuits against their former employees to claim a reasonable remuneration. The rights of an employee are being questioned, as it is the employer who takes the

risk. Further, an employer is liable to be sued by an employee for a long time even after an employee had left the company/ employer. It appears that laws may be framed to decide the remuneration to an inventor employee through a written agreement between the employer and employee. If there is no agreement to this effect, the old practice of awarding reasonable remuneration would continue. It is expected that methods for calculating reasonable remuneration would also be specified.

The complete system of utility patents would be reviewed with a view to provide sufficient protection to technologies with short life cycles and technologies of which counterfeit products go into the market in a short time such as computer software. It may be noted that the present system of utility model applies to shape or construction of articles or a combination of articles. The proposed strategy would look at the abolition of the restriction on protectable subject matter, extension of the term of the protection and conversion between patent and utility models. Apparently, the utility model is not practised frequently in Japan, yet the system will be studied. Com-
Contd on...2

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Contd from...1

puter software is at the center stage and would be considered for protection under the utility model system.

A new area of protection related to medical treatment may be included which at the moment is not patentable because the method of treatment is considered industrially inapplicable. In order to encourage useful and safe medical technologies, which would contribute to raising the health care, a protection system of treatment is being considered useful. A patent protection system for inventions using human embryonic stem cells, embryonic germ cells would be discussed and evolved. Responding to this thinking, the Japan Patent Office revised the examination guidelines in August 2003 to clarify that regenerative medicine and gene therapy are industrially applicable and therefore patentable.

The Strategic Program also addresses the matter related to the use of patented inventions in research. The problem has become contentious in respect of patents awarded on research tools. There is a lack of clarity on these matters at the moment and the new framework will stipulate the scope of the experimental use exception. Secondly, it would suggest ways to enhance the license of patents on research tools, including compulsory license. In order to come out with definite recommendations, the Japanese Government will conduct research on the scope of experimentation exempted from patent infringement

and make the research results available to the public on research sites, universities, public research institutions and private companies.

This would be done with an objective to ensure that the smooth use of patented inventions in research activities by persons other than patentees is not negatively affected. If ultimately accepted, this principle will enable use of gene related technology and research tools in life sciences for general purposes as well.

There is no doubt that the Japanese Government is heading towards liberalization of its intellectual property system and in the process would bring out path breaking changes in its patent laws. The conversion of the strategic program into laws would be an interesting development to be studied.

The USPTO had also issued its 21st Century Plan sometime back. It is no coincidence that the US Govt and the Japan Govt have entered into an MoU for revitalizing the patent system....., perhaps a step towards global harmonization. Whether the convergence will attract more countries or not is to be watched.

There are now three specific initiatives on patent laws namely, the 21st Century Strategic Plan of USPTO, Strategic Plan of the Japanese Government and Substantial Patent Law Treaty of WIPO. These initiatives and more likely to come up in near future will pave the way for a new IPR culture. The standardization of patent laws will be the most likely outcome, which the nations of the world will have to handle.

Non-obviousness in patents

An invention should be novel, non-obvious and useful for qualifying to be eligible for grant of a patent. It is interesting to learn that an explicit criterion of non-obviousness was first adopted in England in 1890, USA in 1952 and France in 1968. The aspect of obviousness or non-obviousness is surrounded by many fundamental questions related to social and political objectives, understanding of the subject matter by those who decide non-obviousness of an invention such as inventors, patent examiners, attorneys, consultants, legislators and judges. Their roles are quite different in nature and are linked to different stages of an invention from conception to practising and implementing.

It is quite often argued that the subjectivism associated with deciding whether an invention is obvious or not is very high because laws have failed to provide the necessary clarity. Secondly, individual's perception about the invention may vary drastically. In countries, which do not have a long past in practicing patent laws and have borrowed the system of formal protection from elsewhere, would face serious and multiple difficulties while granting patent rights and settling disputes regarding validity of a granted patent at a later date. However, if a sound theoretical and rational framework is available in terms of norms for assessment, the job may become little easier and the consistency and uniformity of decisions will

Contd on...3

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improve by many folds. The question which comes to the mind is, should the grant of a patent for an invention for a limited period of time be considered as an end in itself or should it be considered a means to achieve some higher goal to be fixed by a country? If it is taken as an end, then it is difficult to even conceive that a nation would like to grant such an exclusive right to a few. There has to be statement of purpose for practicing such a law through which an exclusive right is being given. In the absence of such a purpose it is not easy to convince the public that the patent system has distinct advantages to usher the country into a new era. The necessity of convincing the public and having its approval is seated at a higher level and therefore a more fundamental approach needs to be adopted by enshrining a statement of purpose into the legal framework. Once the purpose is defined, it is expected that more and more patent rights will be granted correctly so that the society could become the ultimate beneficiary. The US constitution spells out the purpose of patent system to promote the progress of science and useful arts. One of the most important outcomes of defining such a purpose is that during various stages of patent examination, granting and litigation, it can be tested whether the invention meets the goal or strives to meet the purpose. It is in this context of obviousness that a goal / purpose related scrutiny can be made so that inventions not adding to growth of science and technology knowledge / growth are

set aside. In fact the test of non-obviousness is expected to determine if the invention is a mere extension of the existing knowledge or it brings in value addition. After all what good is a monopoly right if it does not bring benefits to the society. A mere extension does not really have the potential either for value addition or generating trade advantage or for growth of science. It is not enough for an article to be new and useful. The Indian Patent Act does not spell out a statement of purpose. (For that matter the Indian constitution is also silent on the need of promoting science.) The first and foremost thing to be practiced by an inventor, a patent examiner, attorney and judge etc. is to make the best possible assessment whether the invention is adding to the growth of science and technology or not. This can be best judged through a study of available patent and non-patent literature and a priori knowledge with the person making the assessment.

Let us look how a judgment on obviousness could be made. The assessment of patent examiners in this regard has been under a sharp focus in developed countries. Until the recent amendments, the 1970 Act did not call upon the examiners to examine the obviousness. Therefore, the Indian examiners have very little experience in this aspect at this point of time. Further, it may be noted that a patent examiner's assessment is put to scrutiny and test only when the matter comes up for examination in the courts. Evidently, the cases going to the courts are only a very small fraction of the total number

of granted patents. Therefore, the responsibility of patent examiners is crucial and they must use the knowledge at their command to come to a reasonably correct decision.

Obviousness of an invention is to be examined on the date of filing the application. A patent examiner examines the application after a few months or years of filing of the patent application whereas the courts may be required to examine only after a few to many years. Therefore, one is really faced with a problem of examination with a hindsight which would introduce inaccuracy in the assessment. One needs to put oneself in the shoes of an ordinary skilled person in the art who was in the business of dealing with the field of knowledge at the time of filing of patent application. Such a person can be considered to make correct assessment. The hindsight analysis has a major risk that most inventions would appear obvious. In order to eliminate or minimize hindsight reconstruction, the person assessing the non-obviousness must be wedded to the spirit of impartial enquiry and decision making. As an inventor, care must be taken to give all possible details to enable the examiner and others to keep away from the hindsight analysis. This may best be done by clearly stating the problems faced in the art and the various attempts made to solve the problems. How your invention goes beyond what has been done, is to be highlighted. It would be a good idea to give references to support your claims.

Contd on...4

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Comparison of the subject matter of a patent and the background / prior art is necessary for determining the non-obviousness of an invention. In this context the prior art means both patent and non-patent information, literature etc. Different prior art and published material can be combined to determine if an invention is obvious or not.

Often a dilemma is faced by an inventor or the one examining the patent which emanates from the fact that people tend to think that the derivatives of a scientific principle are obvious and therefore most inventions will also be obvious. An invention would usually employ known scientific principles, which are generally not the discovery by the inventor. One needs to keep an open mind and ensure that the prior art using a scientific principle does not directly imply the invention you have in mind using the same scientific principle.

In some cases it would be observed that the prior art would give some general directions but no definite direction to arrive at a successful result. In that situation an invention teaching the successful route will not be considered obvious. However, if the prior art taught of a route likely to lead to success with reasonable expectations, then the invention teaching that route (similar) may be considered obvious.

There are instances where courts have used non-technical considerations to determine non-obviousness such as commercial success, long felt but unresolved needs and failures of others. There

are doubts about the correctness of using commercial success as the main parameter as it can be attributed to other factors as well and not only to the inventive step.

Different authorities granting patents may handle the problem in different ways and therefore may come to different conclusions. The European Patent Office adopts what is called Problem Solution Approach for determining the inventiveness. The process involves 3 main stages:

1. Determining the closest prior art.
2. Establishing the technical problem being solved.
3. Determining whether or not the claimed invention, starting from the closest prior art and technical problem, would have been obvious to the person skilled in the art.

It could sometimes mean that the problem being solved through the patent may have to be redefined for better understanding and easier handling.

The Japanese Patent Law sets forth its inventive step requirement as : " Where an invention could easily have been made , prior to the filing of a patent application by a person having ordinary skill in the art to which the invention pertains..... A patent shall not be granted for such an invention...." The concept of person skilled in the art has always baffled many people in the past and continues to baffle them even now. The Japanese Examination Guidelines teach as to who could be considered

a person having ordinary skill in the art. Such a person would be the one who :

- a) has the common general knowledge in the art to which the invention pertains at the time of filing of an application, and has ability to use ordinary technical means for research and development;
- b) has ability to exercise ordinary creative ability in selecting materials and changing designs; and
- c) is able to comprehend as his own knowledge all technical matters in the state of the art in the field to which an invention pertains to at the time of filing a patent application.

These are very interesting guidelines which put heavy demand on the person having ordinary skills in the art.

N o n - o b v i o u s n e s s / obviousness is a complex subject matter to be handled while granting a patent. If the topic of a patent is anticipated, obviously it is not a patentable invention. Conversely, if a startling invention is made in an entirely new field of science, a patentable invention is clearly indicated. But in a grey area in between these two extremes, where the vast majority of all inventions lie, it is difficult to categorically say whether there is an invention or not or whether the invention is really different from the prior art. The problem becomes particularly acute in crowded area of science and technology. Dealing with obviousness / non obvious means dealing with complexities.

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Case Study on Artificial Limb

The present invention relates to lower limb prosthesis in order to render the prosthesis more comfortable. A prosthesis is an artificial limb, which is fitted to an individual who has lost a limb. For many years, efforts have been made to improve the utility, efficiency and acceptability of a prosthesis. The attempts have always been to have a prosthesis, which is like the original limb. The patent under discussion deals with an improved prosthesis and stands assigned to Seattle Orthopedic Group Inc and was granted in July 2000 by the USPTO.

Prior Art

Individuals who lose all or part of a leg have a residual leg, stump to which a prosthetic foot is often attached through an elongated pylon. Such a pylon is typically a rigid member made with a material, like a carbon-fiber composite or aluminum, which provides the rigidity necessary to support an individual's weight. This rigidity can be problematic, because it often makes conventional pylons too stiff for comfortable movement. Each step on such a pylon can be awkward and painful, rather than cushioned and resilient like a natural leg. Therefore, there is a need in the art for a pylon which adequately supports an individual's weight and is more cushioned and resilient than conventional pylons.

Summary of the Invention

The invention relates to a new design of a pylon; a pylon is the member which provides the connection between the residual limb (leg stump) and the prosthetic foot.

An inventive pylon includes a first end portion connected to a

patient's leg stump and a second end portion connected to a prosthetic foot. The second end portion is rotatable and axially movable relative to the first end portion about and along a longitudinal axis of the pylon, respectively. Preferably, the second end portion includes a piston, and the first end portion includes a piston chamber receiving the piston. The piston chamber encloses a compressible volume of fluid through which substantially all of the patient's weight applied through the patient's leg stump is supported. The compressible volume of fluid is preferably sealed so that it can be pressurized. Also, a torsional spring couples the piston and piston chamber and resists relative rotation between the piston and piston chamber without supporting any substantial portion of the patient's weight applied through the patient's leg stump. The present invention thus advantageously provides a pylon, which is more cushioned and resilient than conventional pylons.

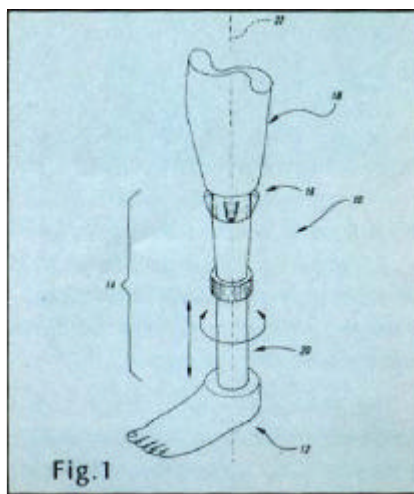


Fig. 1 is an isometric view of a prosthetic system using the inventive pylon and Fig. 2 is a side cross-sectional view of the inventive pylon of Fig. 1. Fig. 1 is a preferred embodiment of the present invention. The prosthetic system 10 comprises a prosthetic foot 12 and a pylon

14. The pylon 14 has a first end portion 16 releasably connected to a conventional socket 18 into which a patient's leg stump fits, and a second end portion 20 releasably connected to the prosthetic foot 12. The second end portion 20 is rotatable relative to the first end portion 16 about a longitudinal axis 22 of the pylon 14, and is also axially movable relative to the first end portion 16.

The pylon 14 of Fig. 1 is shown in more detail in Fig. 2. The first end portion 16 includes a conventional attachment plate 24 which attaches to the conventional socket (not shown in Fig. 2) in a well known manner. The angle of the attachment plate 24 may be adjusted with adjustment bolts 26.

The first end portion 16 also includes a piston chamber 28 receiving a piston 30. The piston chamber 28 is preferably made of aluminum or titanium, and the piston 30 is preferably made of titanium.

The piston 30 has an O-ring seal 32 mounted in a groove about its circumference so that the piston chamber 28 contains an enclosed, sealed area 34.

As the patient moves forward, the heel of the prosthetic foot strikes the ground. This begins dorsiflexion movement which, of course, is the period in the patient's gait in which the angle between the pylon 14 and the toes of the prosthetic foot decreases. During this period, a force F_w due to the patient's weight is impressed on the piston 30, and the piston 30 slides into the piston chamber 28 resisted by a pressure force F_p as the compressible volume of fluid compresses. As a result, substantially all of the patient's weight applied to the piston 30 is resiliently cushioned by the compressible volume of fluid.

At the same time, the torsion key 52 slides into the slot in the

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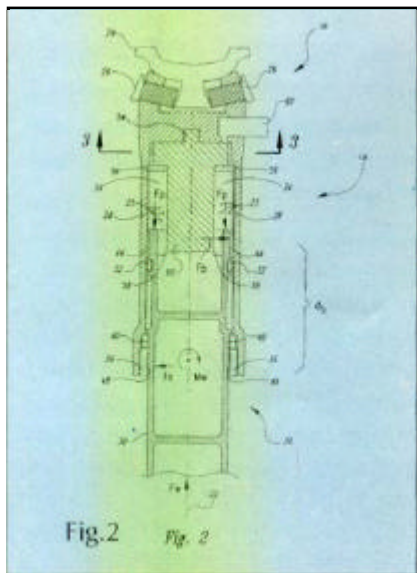
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head of the piston 30. Also, the patient's movement impresses a moment on the piston 30 relative to the piston chamber 28 which may, for example, be resolved into a couple including a moment M_w centered on the wear ring 48 and a force F_a imposed on the wear ring 48. This moment M_w impresses a force F_b on the wear ring 44, for example, as follows:

$$F_b = (M_w / d_b)$$

where d_b is the length of the moment arm at the wear ring 44. Because of the coefficients of friction m_a , m_b between the wear rings 48 and 44 and the piston 30 and the inner wall of the piston chamber 28, respectively, the forces F_a and F_b cause the wear rings 44 and 48 to resist motion by the piston 30 with a friction force F_F equal to:

$$F_F = (m_a * F_a + m_b * F_b)$$



At a point during the patient's movement forward when the toes of the prosthetic foot (not shown in Fig. 2) are on the ground and the heel is beginning to rise, the force F_w due to the patient's weight begins to lessen as the patient's weight shifts to the other leg. At the same time, the moment M_w and the force F_a reach their maximum.

The present invention thus advantageously provides a pylon which is cushioned and resilient. It also provides a patient a boost forward at an advantageous moment in their stride.

Claims

In all there are 29 claims. Only a few are being reproduced below:

1. A pylon for a lower limb prosthesis having a leg stump and a prosthetic foot for supporting the weight of a patient, comprising:

a first end portion connectable to the leg stump;

a second end portion opposing the first end portion and connectable to the prosthetic foot, the second end portion being rotatable and axially movable relative to the first end portion about and along a longitudinal axis of the pylon, respectively;

an enclosed compressible volume of fluid coupling the first and second end portions, the compressible volume of fluid supporting and cushioning axial loads along the longitudinal axis of the pylon; and

a torsional spring coupled to the first and second end portions, the torsional spring directly resisting relative rotation between the first and second end portions to bias the first and second end portions to a centered position, and the torsional spring allowing unrestricted axial movement between the first and second end portions.

2. The pylon of claim 1 wherein the compressible volume of fluid comprises an incompressible fluid containing compressible objects.

3. The pylon of claim 1 wherein the torsional spring is contained within the enclosed compressible volume of fluid.

4. A prosthetic system for supporting the weight of a patient having a leg stump, the prosthetic system comprising:

a prosthetic foot; and

a pylon comprising:

a first end portion connectable to the leg stump;

a second end portion opposing the first end portion and connectable to the prosthetic foot, the second end portion being rotatable and axially movable relative to the first end portion about and along a longitudinal axis of the pylon;

an enclosed compressible volume of fluid coupling the first and second end portions, the compressible volume of fluid supporting and cushioning axial loads along the longitudinal axis of the pylon; and

a torsional spring coupled to the first and second end portions, the torsional spring directly resisting relative rotation between the first and second end portions without inducing axial forces between the first and second end portions to freely bias the first and second end portions to a centered position.

The invention achieves two goals (i) provides a shock absorption system and (ii) makes the gait smooth and convenient. Shock absorbers are used in many vehicles to improve the ride quality and make the drive more comfortable on uneven tracks. One could argue that the invention lacks novelty and inventing step. People who work in this area know that no lower limb prosthesis had ever conceived of using shock absorbers in the past, although attempts were made, at times quite successfully by exploiting the properties of the material and design of the prosthetic foot. Hence there is a novelty. Implementing shock-absorbing system in a prosthesis is an inventive step because no one had earlier succeeded in putting the concept into an actual prosthetic device which is highly sensitive to weight. It is important to learn that deployment of a scientific principle does not make an invention obvious.

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Workshop and Retreat on IPR and Public Private Partnership

Public private partnerships in the area of technology development and delivery have assumed greater significance in the context of TRIPS and other WTO agreements. It has become imperative to have a close look at the IPR issues, including the ownership of the IP, especially where new products and processes have come out of with the public funding and private investments made in delivering such products/processes into the market.

A "Workshop and Retreat on IPR and Public Private Partnership" was organized by PFC from November



Workshop in progress at TERI-Retreat

17-19, 2003 at TERI-Retreat, Gurgaon near New Delhi. The workshop had the following objectives:

1. To address issues of public private partnerships in IP and technology managements.
2. To share the experience of the IITs, IISc, universities, government R&D institutes and select industries.
3. To discuss changes in the IP laws in the country and work alternate strategies to face new challenges.

Prof. S. K. Brahmachari, Director, Institute of Genomics and Integrated Bilology, New Delhi delivered the key note address in the workshop. It had a participation of about 40

participants and faculty, including senior technology / IPR managers from different IITs, universities, government R&D institutions, public sector R&D organizations, Confederation of Indian Industry (CII) and state/central government departments. The faculty included a senior scientist from the National Institutes of Health, USA.

The workshop was an avenue for exchange of experience and ideas on the IPR policies in place in some of these institutions, possible policy options before the players concerned and recommended a course for betterment of the IPR policies. It also dwelt upon the recent changes in the Indian Patent Act and assessed the impact of the same on the R&D. The last set of amendments on the Act as per the

TRIPS obligation, expected to be in place by January 1, 2005, was deliberated upon and possible strategic changes required in the changed environment were discussed.

Readers may recall that PFC had organized a one-day symposium on "Management of IPR in Public Private Partnership" in March, 2002 at Hotel Le Meridian, New Delhi, which was attended by about 170 scientists and technologists. This workshop was a continued effort by PFC in the direction by providing a unique platform wherein intensive and interactive sessions were possible among the policy makers.

International News

- UK customs abolished the fee charged by them for seizing goods causing infringement of intellectual property rights. The move has taken place in response to the concern of the ceramic industry of UK relating to goods bearing false or misleading backstamps and creating importation for infringement of intellectual property. This step will protect people from the harmful effect of the counterfeit goods i.e drugs or aircraft spare parts etc.

- The Copyright Act of Korea has been revised and effected from 1st July 2003 to protect the manufactures of databases, digital content or online service providers from copyright infringement via Internet. Some of the major features in the Act are:

- Database produced with considerable money invested in verifying or supplementing it shall enjoy the right of reproduction, distribution, broadcasting and transmission of the relevant database.

- Libraries are entitled to allow its users restricted reproduction of books and documents by charging predetermined compensation stipulated by the Ministry of Culture and Tourism.

- Visually impaired or blind persons are entitled to reproduce or transmit literary works for non commercial purposes.

(WISTA Intellectual Property, Nov 2003)

- European and US telecommunication and internet business have voiced concerns over moves in the European

Contd on...8

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Litigation Watch

- Garment makers in Delhi have been barred from manufacturing and selling clothing bearing the Pentium logo and brand name. US based Intel Corporation sued some small time garment manufacturers in Gandhinagar market, from using its Pentium logo and brand name on their T-shirts. A permanent injunction has been obtained from Delhi High Court by Intel restraining garment manufacturers from using Pentium logo and name on the collars, shirt pockets, buttons, tags and boxes of men's shirts.

(Delhi Midday, 11 November 2003)

- In a move to combat piracy, a major interstate gang involved in printing fake non-judicial stamp papers and currency notes of various countries has been busted by the Patna police. Stamps worth Rs.20 lakhs, fake American dollars and currency notes of Brazil and Kuwait were also seized from their possession.

(Financial Express, 11 November 2003)

- In an another attempt to fight piracy, the Crime Branch of Delhi Police has arrested three persons in the capital for manufacturing spurious auto parts of the leading autocompany, Mahindra and Mahindra. The police have recovered counterfeit spares worth Rs.17 lakh.

(Deccan Chronicle, 11 Nov 2003)

- Prasar Bharati is planning to move to court very soon against copyright infringement of cricket footage from matches played in India, over which it holds exclusive rights. Several private channels including Aaj Tak and Sahara are guilty of violating Doordarshan's copyright

(Indian Express, 9 Nov 2003)

- Equipment capable of producing more counterfeit CDs than the annual sales of the record industry in the country has been seized in Mexico. The Federal Investigation Agency and industry anti-piracy personnel found 420 CD-R burners, over 60,000 recorded and 40,000 blank CD-Rs.

- A lawsuit by publishing group has reached for settlement for undisclosed fees in Minneapolis. John Wiley & Sons, MIT, Sage publications and the University of Chicago Press filed their copyright infringement lawsuit against Paradigm Books of Texas accusing them of substantial unauthorized photocopying. The defendants have agreed to pay an undisclosed amount in damages as part of the settlement.

- A federal jury in the United States has awarded US\$8.9 million to UK company, Group One Ltd, following a successful action for patent infringement against international stationery giant, Hallmark Cards Inc. Group One sued Hallmark in September 1997 for patent infringement and trade secret misappropriation. At issue were Group One's patents for a ribbon curling machine.

- Sharp, Japan's leading maker of liquid crystal displays, has filed a complaint in the US against AU Optronics. The Japanese company claims the Taiwanese group has infringed patents related to thin-film transistor LCD technology. The suit, which was filed in a California court, relates to various patents that cover the manufacturing process, structure, circuitry and other aspects of Sharp's TFT-LCD technology.

Contd from...7

International News

Parliament to tighten up a law protecting intellectual property laws. The European Net – Alliance, which includes Deutsche Telekom, Vodafone, British Telecom, Telecom Italia and MCI, argue that the law should focus only on counterfeiting for commercial purposes.

(Business Standard, 10 Nov 2003)

- In a move to bring down wide-scale online piracy on college campuses, Penn State University reached a deal to offer thousands of students free access to the Napster music service. It will also offer students access to digital music and limited downloading from Napster's newly relaunched music service. It will also offer students access to digital music and limited downloading from Napster's newly re launched music service at no cost. Students can also buy permanent downloads that can be burned to CDs or transferred to portable device for 99 cents each.

(The Economic Times, 8 Nov 2003)

- Sony has announced its plans to introduce new CD technology in Germany that prevents users from copying songs to file-sharing sites, but allows them to make copies for their personal use.

(Business Standards, 13 Nov 2003)

- In an attempt to beat product piracy, a German company has come up with a latest dot called the Holospot. Holospot is being promoted as a cheap way to attack computerized security codes to everything from automotive components to medicines, perfumes and cigarettes. Upto a gigabyte of

Contd on...9

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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

A. 11 October, 2003

191159. Ian Leslie Berryman, Australia (1142/Cal/97)

191160. Dyestar Textilfarben GmbH, Germany (1508/Cal/97)

191211. E I Du Pont De Nemours And Company, USA (1918/Cal/96)

191212. Humal Elektroonika As, Estonia (1317/Cal/96)

191213. Daewoo Electronics Corp, Korea (2218/Cal/96)

191214. Matsushita Electric Industrial Co Ltd, Japan (621/Cal/97)

191215. Engelhard Corp, USA (893/Cal/97)

191216. Molex Incorporated, USA (391/Cal/97)

191217. Siemens Aktiengesellschaft, Germany (480/Cal/97)

191218. Jan Otto Solem, Sweden (882/Cal/97)

191219. Peri GmbH, Germany (1251/Cal/97)

191220. HFM International Inc, USA (425/Cal/97)

191221. Somena Halli Venkateshachar Janardan Bangalore (109 /Mas/93)

191222. Foster Wheeler Energia Oy, Finland (699/Mas/95)

191223. Qualcomm Incorporated, California (839/Mas/95)

191224. Kimberly Clark Worldwide, USA (885/Mas/95)

191225. Mitsubishi Denki Kabushiki Kaisha, Japan (910/Mas/95)

191226. Kimberly Clark Worldwide Inc, USA (1004/Mas/95)

191227. Hisao Kojima, Japan (1161/Mas/95)

191228. ISRO, Bangalore (1356/Mas/95)

191229. Honda Giken Kogyo Kabushiki Kaisha, Japan (778/Mas/00)

INVENTION

A structural building unit for industrial shed roofing

A dyestuff mixture which has a content of one or more disazo dyestuffs and a process for preparing the same

A process for producing phosgene

A process for producing porous thermo plastic material with closed pores in selected areas of the surface thereof

An apparatus for concealing errors in a transmitted video signal
A spread spectrum demodulation communication receiver
A process for preparing an azo dye

An electrical terminal and an electrical connector using such terminals
Circuit arrangement having a number of electronic circuit components
Branching device for a blood vessel

Scaffold joint assembly

A process for producing styrene from a feedstock containing styrene ethylbenzene and aromatic or non aromatic hydrocarbon
Non frayable brush mats with non skid backing a device and a method of making such mats
A waste heat boiler

A radio apparatus for rapid signal acquisition in a satellite communications systems

A support device for an absorbent article
Clamping apparatus for a coil

A tampon applicator

A mixing element and a method of producing the same

A multi channel automated static load testing machine
An exhaust valve device

Contd from...8

International News

information can be engraved into a speck of film just one millimeter square.

(National Herald, 15 Nov 2003)

- The European Union has asked the Chinese Government to take tougher measures to protect the intellectual property rights in line with international commitments. In a communication to the WTO, EU pointed out that although China had significantly strengthened the legal framework of intellectual property since the previous year, the situation had not substantially improved in the field of enforcement of IPRs.

(The Financial Express, 17 Nov 2003)

- Amendments to the 1994 Copyright Bill in New Zealand have shifted the onus of proof onto defendants when a film, sound recording or computer program that allegedly infringes copyright is imported. Unless the defendant can prove otherwise it will be assumed that suspected imported goods are pirated.

- The Vietnam Ministry of Science and Technology has proposed that all Government and state-owned companies' desktop computers run on open-source software, the codes for which are freely available on the internet, by 2005. In addition, any computer assembled in the country would also be pre-installed with open-source operating systems. The Government claims a number of benefits will flow from the move to open source. While the price of Microsoft products is obviously an issue in Vietnam, the main aim is to reduce software piracy.

191230. Sumitomo Chemical Company Ltd, Japan (35/Mas/01)

191231. CSIR, New Delhi (331/Del/99)

191232. The Chief Controller Res., New Delhi (407/Del/99)

191233. Pfizer Products Inc, USA (511/Del/99)

191234. CSIR, New Delhi (634/Del/99)

191235. CSIR, New Delhi (682/Del/99)

191236. Ranbaxy Laboratories Ltd, New Delhi (775/Del/99)

191237. CSIR, New Delhi (727/De/99)

191238. Pfizer Products Inc, USA (846/Del/99)

191239. Ranbaxy Laboratories Ltd, New Delhi (867/Del/99)

191240. Seagram Manufacturing Ltd, New Delhi (1009/Del/99)

191241. CSIR, New Delhi (1193/Del/99)

191242. CSIR, New Delhi (1352/Del/99)

191243. CSIR, New Delhi (292/Del/00)

191244. CSIR, New Delhi (301/Del/00)

191245. Dabur Research Foundation, Ghaziabad (340/Del/00)

191246. Dabur Research Foundation, India (477/Del/00)

191247. Suresh Narain Mathur, Uttar Pradesh (645/Del/00)

191248. Panacea Biotec Limited, New Delhi (806/Del/00)

191249. Avecia Limited, England (953/Del/01)

191250. G B Boucherie N V, Belgium (1221/Del/02)

B. 18 October, 2003

191251. IIT, New Delhi (678/Del/94)

191252. CSIR, New Delhi (867/Del/94)

191253. CSIR, New Delhi (868/Del/94)

191254. CSIR, New Delhi (1267/Del/94)

191255. L Air Liquid Societe, France (1329/Del/94)

191256. L Air Liquid Societe, France(1349/Del/94)

191257. CSIR, New Delhi (1619/Del/94)

A method for producing 2,2-dimethyl-3-(1-propenyl)cyclopropanecarboxylate ester

A process for the preparation of antisera useful for immunodiagnosis of brain tumor

An improved process for the preparation of non-toxic sulphur mustard

A process for preparing a phenoxybenzenesulfonic acid phenyl ester

An improved process for the preparation of 2-aryl propionic acids

An improved process for the preparation of 2-aryl propionic acids

Process for the production of amorphous atorvastatin calcium

An improved process for the preparation of 3,4,5-trimethoxybenzoic acid

A process for preparing purified 6-chloro-2-carbazolyl-methyl-malonic acid d1-c6 alkyl ester

A process for the preparation of a taste masked composition

A novel process for the production of protease

A process for the production of vanilla flavour metabolites through biotransformation

An improved process for the preparation of chiral epoxide useful as an intermediate in the synthesis of optically active drug

A process for the preparation of antimicrobial fraction from *Millingtonia hortensis*

A process for the production of a soybean lipoxygenase inhibitor

A process for the manufacture of a plant coagulate concentrate

A process for preparing a asava or arista composition

A process for the preparation of a mineral candy

Process for the preparation of a homogenous substantially alcohol free composition of cyclosporin

A method for the preparation of a 2-hydroxyaryladoxime

A molding machine for injection molding of tooth brushes

A method for manufacturing shorts free mask device

An improved distillate fuel oil composition

An improved diesel fuel oil composition

A process for the preparation of spherical pellets of silica

Process and an apparatus for purifying impure hydrogen to recover pure hydrogen

Process for producing carbon monoxide from a gas mixture and an apparatus for the same

Domestic News

Indian Institute of Technology, New Delhi has filed the following patents during March 2003 to August 2003 :

1. A Novel electrocoagulator for the oily waste water.
2. PCT application for a system and method for blind multi-user (MV) detection of BPSK-DS-SS CDMA signals.
3. Process for making an improved hydrated ferric oxide for arsenic removal and the resulting adsorbent produced therefrom.

(FITT Newsletter, Vol 9 No 2 Oct 2003)

A high level R&D group has been set up by the government to look into the requirements of the industry post – 2005 and prepare it for the time when the products patents will be enforced in India. The group comprising of pharma companies like Ranbaxy, Dr Reddy's Lab, Wockhardt, Sun Pharma, and Torrent has been set up at the behest of the Ministry of Chemicals and Fertilizers. The group will prepare a road map for R&D modernisation, study available models in other sectors and draft a blue print for the government's consideration.

(The Financial Express, 13 Nov. 2003)

Manufacturing Technology Today (MTT) is a monthly publication brought out by National Information Centre for Machine Tools and Production Engineering (NICMAP), Central Manufacturing Technology Institute (CMTI), Bangalore. The journal publishes technical articles

Contd on...11

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191258. CSIR, New Delhi (684/Del/96) A process for preparation of conducting polymer composite
An improved process for the preparation of pyridine substituted pyridine derivative
191259. Coletica A French Joint Company, France (3484/Del/97)
191260. CSIR, New Delhi (3506/Del/97) A process for preparing cosmetic composition
An improved process for the preparation of naringinase enzyme using penciillium citrinium
191261. University Of Maryland At Baltimore, USA (2764/Del/98)
191262. CSIR, New Delhi (3387/Del/98) A process for preparing a composition for whitening teeth
A process for the preparation of a protease inhibitor peptide using novel alkalothermophilic bacillus so
191263. Bayer Corp, USA (3711/Del/98) A process for making 2 methyl sulfonyl 5 trifluoromethyl 1 3 4 thiadiazole
191264. CSIR, New Delhi (573/Del/99) An improved process for the enzymatic preparation of optically pure glycidate esters
A method of screening for identifying an effective antisense sequence or ribozyme against a target nucleotide sequence
191265. National Institute of Immunology, New Delhi (661/Del/99)
191266. CSIR, New Delhi (1239/Del/99)
191267. CSIR, New Delhi (1314/Del/99) An improved process for the production of amides from amines
A bioconversion process for the preparation of alpha keto acids and l amino acids from racemic mixture of amino acids
191268. CSIR, New Delhi (1417/Del/99) A process for isosation of a bioactive fraction from barleria prionitis linn mainly containing iridoid glucosides
- 191269 CSIR, New Delhi (1535/Del/99) An improved process for the preparation of dihydroartemisinin
191270. CSIR, New Delhi (1563/Del/99) A process for the preparation of a bioactive composition from nyctanthes arbor tristis having 8 12 of crocin 20 28% of crocin 2 and 40 55% crocin 3
Apparatus for mounting an annular tread onto a tire casing
- C. 25 October, 2003**
191271. The Goodyear Tire & Rubber Company, USA (124/Del/1995)
191272. CSIR, New Delhi (675/Del/995) A safety device for motorised two wheeler vehicles
191273. FMC Europe SA, France (1177/Del/95) An apparatus for selective connection
191274. The Gillette Co, USA (1231/Del/95) A skin engaging device for use in a wet shaving unit
191275. The Chief Controller Research, New Delhi (343/Del/96) A process for preparation of polyaniline transition metal complex
191276. The Chief Controller Research & Development, New Delhi (344/Del/96) A process for the preparation of polyaniline salt
191277. University Of Delhi, Delhi (577/Del/96) A process for the preparation of a composition used for the detection of latent fingerprints
191278. Indian Council Of Agricultural Research, New Delhi (2199/Del/96) A method for preparation of a diagnostic kit useful for forecasting equine herpes virus 1 disease
191279. NRDC, New Delhi (2269/Del/96)
191280. The Picower Institute For Medical Research, USA (2949/Del/96) A process for the preparation of bakery margarine
- A filter for removing and trapping advance glycosylation end products in tobacco

Contd from... 10

Domestic News

discussing various aspects of manufacturing technology including basic aspects, innovations in the field, research work being carried out and actual industrial practices followed. Besides technical articles, MTT also gives a compilation of abstracts of literature published in the journals received at the NICMAP library and abstracts of patents granted/filed world over on the topics related to manufacturing technology. Annual subscription for the journal can be requested at NICMAP, Central Manufacturing Technology Institute, Tumkur Road, B a n g a l o r e (Tel: 3375081).

(Financial Express, 10 Nov 2003)

- National Botanical Research Institute (NBRI) has developed a database on legumes of eight South Asian countries namely, India Pakistan, Srilanka, Bangladesh, Bhutan, Mynamar, Nepal and Maldives. The database contains comprehensive information about 2030 legumes in South Asia. The content of the database includes basic nomenclature, distribution and descriptive information on the legumes of the world. The programme was sponsored by the CSIR, Department of Biotechnology, Indian National Science Academy Department of Science & Technology, Commonwealth Science Council (CSC), British High Commission and UNESCO.

(Business Line, 17 Nov. 2003)

Contd on...12

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PFC on the move.....

* PFC has organised 6 patent awareness workshops during November. First one was organised at Samrat Ashok Technology Institute, Vidisha, Madhya Pradesh in association with PIC, Bhopal on November 5 and was attended by 110 participants. The second workshop was organised at Vidhyasagar University, Midnapore, West Bengal on November 12. About 100 participants attended this workshop from university and nearby colleges. The third one was organised at Murshidabad Institute of Technology, Murshidabad, West Bengal on November 19 and was attended by about 110 delegates. Midnapore and Murshidabad workshops were organised in association with PIC, Kolkata. The fourth workshop was organised in association with Ministry of SSI



Workshop at University of North Bengal



Workshop in progress at Bhopal

on November 21 at Nasik, Maharashtra and was attended by about 140 participants from Small Scale Industry in and around Nasik. The fifth workshop was organised in association with PIC, Bhopal at National Law Institute University (NLIU), Bhopal, Madhya Pradesh on November 22. 140 participants attended this workshop, which includes about 110 students of NLIU that had formed an association of IPR at NLIU and also scientists and technologists from other institutes in Bhopal. The sixth workshop was organised at North Bengal University, Siliguri in Association with PIC, Kolkata on November 29 and was attended by about 90 participants from University and other institutes in and around Siliguri. Dr. Nishit Adhikary, Minister of Law and Justice, Government of West Bengal inaugurated this workshop.

* Five patent applications were filed in India.

Contd from... 11

Domestic News

• During the first meeting of health ministers of SAARC countries, India and Pakistan have joined hands to guard a common frontier i.e. traditional medicine. This meeting has acted as a catalyst and a powerful lobby will soon emerge, with India and Pakistan as pioneers to guard their traditional knowledge of medicine.

(The Statesman, 17 Nov 2003)

• Based on a complaint by the AP Film Chambers, Hyderabad, the police has arrested four persons in the process of busting a video piracy rackets which was selling BETA tapes of Telugu movies to be used for pirating movies on VCDs and DVDs. The buyers were using the tapes for pirating movies causing huge loss to the holders of copyrights and film industry.

(Indian Express, 3 Nov 2003)

• Swiss drug makers Novartis India has obtained Exclusive Marketing Right (EMR) in India for its anti-cancer drug Glivec. The drug is particularly beneficial for chronic myeloid leukemia (CML) and stomach cancers

(Economic Times, 12 Nov 2003)

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

NEXT ISSUE

- Case Study
- Case Law
- Patents for Opposition

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