



A BULLETIN  
FROM  
TIFAC

# INTELLECTUAL PROPERTY RIGHTS (IPR)

VOL 5 NO. 9 SEPTEMBER, 1999

## Case Study

### Biological pure culture of the *Streptomyces violaceus* ATCC 53807

The invention relates to biologically pure culture of the microorganism *Streptomyces violaceus* ATCC 53807, isolated from soil in Hyderabad, Andhra Pradesh which can be used for producing a novel antibiotic compound designated as BU-3839T. This antibiotic is found to exhibit antibacterial activity against gram-positive, gram-negative and anaerobic bacteria and also demonstrates antitumour activity. This patent was granted, in 1991 to Bristol-Myers Company, a well known pharmaceutical company. The patent has been granted against a divisional application in respect of an original application, which was granted a US Patent No 4, 927, 848 entitled "BU-3839T Antibiotic"

### Prior art and background

This strain of *Streptomyces violaceus* was isolated from a soil sample collected in Hyderabad, Andhra Pradesh. A biologically pure culture of this strain named as P950-4 was deposited in ATCC. Structural

studies done on BU-3839T indicate that it contains the chromophore, 11-hydroxy-5-methyl -4H-anthra- [1, 2-b] pyran-4,7,12-trione found in the pluramycin family of antibiotics. However, these antibiotics did not show any antitumour activity shown by BU-3839T. Therefore the strain ATCC 53807 produces an antibiotic having a unique feature not known in the earlier antibiotics.

### Brief description of the invention

The patent document describes the morphology, cultural characteristics, physiological characteristics, cell chemistry and taxonomical position. Cultural characteristics under various medium with growth of aerial mycelium and substrate mycelium have been described in considerable detail. All of eleven diagnostic sugars have been utilised for growth. The physiological characteristics have included hydrolysis of gelatin and starch, milk coagulation, peptonization, products of nitrate reductase, tyrosinase, tolerance to lysozyme, sodium chloride, growth temperature range and optimum temperature for the

growth. The strain P950-4 is a species of streptomyces and forms both substrate and aerial mycelia, which are long, well branched and not fragmented into short elements. Chain of spores are formed on the monopodially branched aerial hyphae. The aerial mycelium are well formed on most agar media, but poorly on glucose-asparagine and not on ISP medium No.6. The colour of the aerial mycelium is white, later turning to light greyish pink with sporulation. The growth is observed between 17°C and 40°C. The whole cell hydrolysate contains LL-diaminopimelic acid, glucose and ribose, and hence the cell wall belongs to Type I and the sugar pattern NC. The phospholipid contains diphosphatidylglycerol, phosphatidylethanolamine and phosphatidylinositol, and therefore is placed in Type P-II.

### Method of preparing BU-3839T

BU-3839T is produced by cultivating a BU-3839T producing strain of *Streptomyces violaceus*, most preferably a strain having the characteristics of *Streptomyces violaceus* strain P950-4 (ATCC 53807) or a

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variant or mutant thereof, under submerged aerobic conditions in an aqueous nutrient medium. The producing organism is grown in a nutrient medium containing an assimilable carbon source, for example L-arabinose, D-xylose, D-ribose, D-glucose, D-fructose, sucrose, lactose, cellobiose, D-mannitol or soluble starch. The nutrient medium should also contain an assimilable nitrogen source such as fish meal, peptone, soybean flour, peanut meal, cottonseed meal or corn steep liquor. Nutrient inorganic salts can also be incorporated in the medium. Such salts may comprise any of the usual salts capable of providing sodium, potassium, ammonium, calcium, phosphate, sulfate, chloride, bromide, nitrate, carbonate, or like ions.

Production of BU-3839T can be effected at any temperature conducive to satisfactory growth of the organism, e.g. 17°-40°, and is conveniently carried out at a temperature of about 28°C. Physiological properties of BU-3839T described in the document include physical properties like melting point, UV absorption maxima, IR spectrum and molecular formula. Anti microbial activity has been established against *Staphylococcus aureus*, *Staphylococcus epidermidis*, *Micrococcus luteus*, *Bacillus subtilis*, *E.coli*, *Pseudomonas aeruginosa*, *Proteus vulgaris*, *Bacteroides fragilis*, *Clostridium difficile*, *Clostridium perfringens*, *Preopionibacterium acnes*,

*Candida albicans*, *Cryptococcus neoformans*, *Aspergillus fumigatus* and *Trichophyton mentagrophytes*.

### Claims

The patent has only one claim which is reproduced below:-

1. A biologically pure culture of the microorganism *Streptomyces violaceus* ATCC 53807, which is capable of producing the antibiotic BU-3839T in a recoverable quantity upon cultivation in a culture medium containing assimilable sources of carbon and nitrogen under submerged aerobic conditions.

It may be noted that patent laws of many countries allow patenting of a biologically pure culture of a microorganism even if the microorganism has been isolated from the nature provided the criteria of novelty, inventive step and industrial application are satisfied. This also tantamounts to patenting of microorganism per se. The practical outcome of such a patent is that one can stop others from using a pure culture of a microorganism, even if developed independently using the same or different route, in a country where a per se patent for the microorganism has already been granted. A similar restriction will apply in exporting products made from such a microorganism. The novelty of this invention lies in the fact that the microorganism was not reported earlier in the literature. The criteria of inventive step and industrial application are satisfied by development of a process for obtaining a pure culture of the microorganism and its use in

making a new antibiotic respectively.

Readers may also note that, for protecting a microorganism or a microbial invention involving a new microorganism not reported in the literature, it is necessary to deposit a strain of the microorganism in a recognized depository. In addition it is also desirable to spell out important characteristics of the microorganism in the patent document.

As mentioned earlier, this patent has been awarded against a divisional application. What does it mean? The inventors might have filed the original application at least with claims both on the antibiotic BU-3839T and also on the microorganism ATCC 53807. These two claims could have been treated independent inventions by the USPTO, although they are related, and therefore the applicant might have been advised to file a divisional application in respect of the microorganism ATCC 53807. The US patent 4,927,848 related to the main application covers only the antibiotic BU-3839T as evident from the following claims:-

- (i) The compound BU-3839T having the formula STR 9.
- (ii) A pharmaceutical composition comprising an effective antibacterial or tumour inhibiting amount of BU-3839T in combination with inert pharmaceutically accepted carrier or diluent.

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## How to Oppose a Patent

Readers have been writing to us asking details of procedures for opposing grant of patent on an invention. Readers may note that Government of India has changed the forms to be used for filing a notice of opposition. The corresponding government fees were revised on June 2, 1999.

Patent applications can be filed in any of the four branches of the Patent Office, namely, Calcutta (Head Office), Mumbai, Chennai and New Delhi. A patent applicant has to file his/her application in that branch, which has the jurisdiction over the place where the applicant resides or has his/her registered office. For example, an applicant residing in the state of Tamilnadu, has to file a patent application at the Chennai Patent Office. The patent applications on filing are allotted a number like xxx/Cal/YY, where 'xxx' denotes the serial number, 'Cal' stands for Calcutta Patent Office where the application has been filed and 'YY' represents the year of filing.

A patent application is then examined by the Indian Patent Office for the suitability of granting a patent. If all the procedural and technical requirements, such as the requirement of novelty, inventive step and usefulness are satisfied, the patent application is accepted by the Patent Office. Subsequently, the patent application is notified in the Part-III Section 2 of the Gazette of India, before the grant of the patent. (This data is also published periodically in this bulletin under the title "Patents for Opposition".) Any interested party may oppose the grant of a patent based on the grounds stipulated in the Indian Patents Act. The provision for opposing patents has

been established by the Government to ensure that a patent is not granted wrongly, for example for an invention which is already known.

There are several grounds for opposition as given in the Section 25 of the Indian Patents Act, 1970. Some of the grounds would be lack of novelty (due to prior publication or prior use, etc.), lack of non-obviousness, etc. A notice of opposition has to be filed with the appropriate Patent Office branch where the patent application in question was originally filed anytime within four months from the date of publication in the Gazette of India.

A notice of opposition has to be filed using Form 7 (format

reproduced below), in triplicate. A government fee of Rs. 5000/- in the case of an institutional applicant or Rs. 1500/- in the case of an individual applicant has to be remitted in the form of a demand draft payable to the Controller of Patents. An extension of one month is possible by filing a request for extension by submitting Form 4 in triplicate along with a payment of Rs. 1000/- (for institutions) or Rs. 250/- (for individuals). The opponent shall also send a written statement in triplicate setting out the nature of the opponent's interest, the facts upon which he bases his case and the relief which he seeks, along with the notice of opposition or within one month from the date of the notice of opposition.

### FORM 7

#### THE PATENTS ACT, 1970 (39 OF 1970)

#### NOTICE OF OPPOSITION TO GRANT OF A PATENT [See section 25 and rule 35]

1. State name, address and nationality I/We1\_\_\_\_\_ hereby give notice of opposition to the grant of a patent on application for patent No.\_\_\_\_\_  
(Serial No.\_\_\_\_\_) Dated\_\_\_\_\_made by\_\_\_\_\_
2. State the grounds taken one after another. On the grounds 2.\_\_\_\_\_
3. Complete address including postal index number/code and state along with Telephone and Telefacsimile number. My/ Our address for services in India is —3.....
4. To be signed by the opponent or by his authorised registered patent agent. Dated this .....day of .....19../20.....  
Signature..4.....
5. Name of the natural person who has signed. ( )..5...

To  
The Controller of Patents,  
The Patent Office,  
At.....

## Opposition - A Powerful Tool to Safeguard Your Interests

ISRO has set a good example to show how a well thought and documented opposition against grant of a patent can save the interests of an agency. A patent application entitled "Satellite communication system using equatorial and polar orbit relays" was filed by a US company Leo in the Indian Patent Office in 1994 and was accepted by the Patent Office and notified in the Gazette of India in September 1998 for opposition. This was published in the IPR bulletin, Vol 9-10, Sept-Oct 1998 which drew the attention of ISRO.

This patent was also covered as a case study in the IPR bulletin Vol 5 No 1, Jan 1999. The patent application dealt with an optimum configuration of satellites in space in different non-intersecting orbits for cheap data exchange and providing wide coverage over the ground. This was opposed by ISRO on the grounds that there was no novelty and inventive step in the invention and the knowledge claimed in the patent application was already known. Award of this patent would have certainly affected the interests of ISRO in many ways. A timely opposition was filed with necessary documents and evidence with the Calcutta Branch of the Patent Office. The applicant of the patent being opposed is

expected to submit its rebuttal within a specified time as per the Indian Patents Act, 1970. Failure to submit a rebuttal/rejoinder in time leads to cancellation of the patent application. In this case the applicant (Leo) did not submit any rejoinder perhaps in the absence of counter arguments against the position taken by ISRO and hence the patent application was abandoned and there was no question of granting the patent. This success story of opposing successfully the grant of a patent in the area of a cutting edge technology brings out important messages, (i) accepted patent application can be opposed successfully in India even in the field of modern technology by Indian agencies and (ii) Indian agencies/companies should carefully look at the published information on accepted applications open for opposition for protecting their own (commercial) interests. Then you can stop some one pulling the carpet from under your feet.

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### Case Study

These claims do not include the microorganism per se although the same microorganism has been used to produce BU-3839T. It is interesting to note that these two patents ensure monopoly rights of Bristol-Myers on the antibiotic BU-3839T and also on the starting material i.e. the microorganism ATCC 53807 which was picked up from soil in Hyderabad and purified biologically.

## Who's Afraid of Turmeric Related Patents

Readers would recall that PFC was responsible for locating, in 1996 the now so famous patent "Use of Turmeric in Wound Healing" awarded by the US PTO and bringing it to the public knowledge. This discovery perhaps created an immeasurable awareness about patents in the Indian subcontinent as this fact was covered practically by all the newspapers in the country. It is an open secret that the US PTO reexamined this patent after receiving petition from CSIR and rejected all the claims. The interest in turmeric however still continues.

The USPTO has recently granted a patent on April 27, 1999 on the use of turmeric for treating skin disorders. The claims of the patent are:-

1. A method of treating acne comprising administering orally an effective amount of turmeric to a subject having acne.
2. A method of claim 1, wherein the amount of turmeric is at least 500 mg per day.
3. A method of claim 1, wherein amount of turmeric is at least 2 mg per day.
4. A method of claim 1, wherein 1g of turmeric is administered on the first day of treatment and 2 g of turmeric is administered on the second, third and fourth day of treatment.

The USPTO has since 1976 awarded 314 patents in which turmeric/curcuma longa appears in the text but not necessarily in the claims. There are 4 patents

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### Who's Afraid of ....

in which the inventors are Indians. There are 37 patents in which turmeric appears in the claims indicating that new uses of turmeric have been protected. Five such patents in which turmeric appears in the claims have been issued by the USPTO since 1998. (Source : Espace A) Only three application have been received in the European Patent Office since 1978. (Source : www.uspto.gov) Three patents have been issued by the Indian Patent Office so far and three applications have been filed since 1995; all of them filed by Indians and Indian agencies. It is interesting to note that no patent application has been filed in India by a foreign national or company in this area. It has been reported that many Japanese inventors have been filing/obtaining turmeric related patents. Exact numbers cannot be given as the databases accessible to us do not seem very reliable. Some interesting Japanese patents deal with (perhaps) new properties/uses of turmeric. For example, one patent deals with use of the turmeric in making aluminium utensils, the others are to use turmeric as an agent for preventing ultraviolet hazard, and tyrosinase inhibitor. Some also deal with the known applications like bathing agent, preparation of pickles and feed additive for livestock.

Turmeric continues to attract the attention of many inventors for discovering its new uses and applications and we expect the list of turmeric related patents to grow in size. One thing is certain that with all the new discoveries/inventions the farmers growing turmeric can expect a larger market for their produce.

## PFC on the move...

1. Patent Facilitating Cell has now been re-christened as the Patent Facilitating Centre, while maintaining the acronym PFC.
2. Readers may recall that it was reported in Vol 4 No 8 of the IPR bulletin that the Ministry of Environment & Forests (ME&F) had given a study to the PFC on Patenting in Microorganisms. Initial findings were also reported. The report has been completed and submitted to ME&F and other concerned departments and ministries. About 10,000 patent titles were studied to understand the nature of claims awarded by different patent offices. Laws of 40 countries and practices of 22 countries in respect of actual patenting have been included in the report. It would be good reading material. The recommendations of the report are available on the TIFAC website [www.tifac.org.in](http://www.tifac.org.in).
3. PFC has been sensitive to the needs of the north-east. Earlier, it had conducted two patent awareness workshops in the area. Recently, it conducted two patent awareness workshops in Guwahati on September 15, 1999 and in Shillong on September 16, 1999. These workshops were attended by about 100 scientists, technologists and policy makers from these states.



(Workshop in Guwahati on Sept. 15, 1999)



(Workshop in Shillong on Sept. 16, 1999)

4. One patent application was filed in India. Six applications for registration of designs in respect of gas stove developed for use by blind were also filed.

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## Patents for Opposition

The following patent applications have been accepted by the Patent Office and published in the Gazette of India. These can now be opposed by filing opposition applications within a period of four months from the dates given. Six digit numbers allotted after acceptance by the Patent Office are given before the applicant names and patent application numbers given in brackets. Names of the branches of the Patent Office are denoted in the application number, e.g. 'Bom' for Bombay branch. An opposition application should be submitted at the appropriate office where the concerned application was originally filed.

### PATENT APPLICANTS

### INVENTION

#### A. 31 July, 1999

182831. Rolls Royce Power Engineering PLC, England (372/Del/90)	Housing provided with safety pressure relief means particularly for high voltage electric circuit reclosers.
182832. BP Chemicals Ltd, England (219/Del/91)	A process for the preparation of a solid catalyst suitable for the polymerization or copolymerization of olefins especially ethylene.
182833. Jonhig Ltd, UK (299/Del/91)	Value transfer system.
182834. Chemical Research & Licensing Co, USA (331/Del/91)	Catalytic distillation device.
182835. Scientific Design Co Inc, USA (405/Del/91)	An improved anhydrous process for the preparation of improved phosphorus vanadium mixed oxide oxidation catalyst.
182836. CSIR, India (1078/Del/92)	A process for the preparation of 3-epi-11- keto-b-boswellic acid and its acylates.
182837. CSIR, India (945/Del/94)	An improved process for the preparation of d(-) phenylglycine.
182838. CSIR, India (953/Del 94)	An improved process for the preparation of halides of 3-keto acid derivative substrate having active methylenes using hydrohalic acid and hydrogen peroxide.
182839. Rohm & Haas Co, USA (1008/Del/94)	Process for preparation of 1 2 diacyl 2 (alkyl)hydrazines.
182840. Indian Council of Medical Research, India (1159/Del/94)	A process for the preparation of medical research.
182841. Macrovision Corp, USA (653/Mas/93)	An apparatus for playing back and/or recording material recorded digitally on a recording medium.

## International News

Two members of the Ami tribe from Taiwan have settled a lawsuit in the United States in which they claimed that their music rights were infringed by international recording artists and record companies. The plaintiffs, Kuo Ying-Nan (80) and his wife Kuo Hsin-Chu (78), are traditional musicians who claimed that the song *Return to Innocence* by bestselling group Engima had incorporated part of their work titled *Jubilant Drinking Song* as they recorded it for a field survey of Taiwanese music. The Ami tribe has a purely oral culture in which songs, chants and stories have passed down from generation to generation. Under the settlement, the Kuo couple will be given full attribution for their contribution to *Return to Innocence* which shall include liner notes on all future releases featuring the work and platinum copies of the album *Cross of Changes* on which *Return to Innocence* is recorded.

**(Copyright World, Iss.93, Sept 99)**

Computer giant Apple Inc. has sued Future Power and Daewoo for releasing a computer that looks nearly identical to Apple's bestselling iMac. The suit seeks to enjoin the two from distributing computers, which illegally copy Apple's designs.

**(Copyright World, Iss. 93, Sept 99)**

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182842. Sri Manchanahally Venkatarama, India (657/Mas/93)	An electric lamp holder.
182843. Dalmia Centre for Biotechnology, India (667/Mas/93)	A nutrient composition for the growth of neem plant and a process for preparing the same.
182844. Dalmia Centre for Biotechnology, India (668/Mas/93)	Spray composition to improve the survival of tissue cultured plants and a process of preparing the same.
182845. Macrovision Corp, USA (675/Mas/93)	An apparatus for defeating the effects of a copy protection video signal.
182846. Dalmia Centre for Biotechnology, India (690/Mas/93)	A synergistic water soluble spray nutrient composition having pH-7 for cotton and process of preparing the same.
182847. Parameswaran Pillai, India (704/Mas/93)	A process for separating colour-bearing substances from textile wet processing effluents.
182848. Kimberly Clark Corp, USA (713/Mas/93)	A bulked stretch-pillowed laminate and a process for forming the same.
182849. Institut Francais Du Petrole, France (780/Mas/93)	A method for recovery of alkali metal or alkaline earth metal terephthalate from a composition containing polyalkylene terephthalates.
182850. Sima S A, France (867/Mas/93)	A process for manufacturing a hardened nickel based alloy.
182851. Liftsonic Ltd, UK (13/Cal/93)	Vehicle incorporating a security system.
182852. Edward Mendell Co Inc, USA (660/Cal/94)	A process for preparing a sustained release oral solid dosage form.
182853. Dr Baidyanath Samaddar, India (919/Cal/94)	A novel composition having improved binding properties.
182854. Loesche Gmbh, Germany (1004/Cal/94)	A grinding roller for roller mills or rolling mills or planishing mills.
182855. Hoechst ktiengesellschaft, Germany (40/Cal/95)	A process for the preparation of azo compounds.
182856. Motan Holding Gmbh, Germany (78/Cal/95)	A dryer.
182857. Texaco Development Corp, USA (520/Cal/95)	A process for the production of a stream of synthesis gas fuel gas or reducing gases from low rank coal.
182858. Fabritex S R L, Italy (931/Cal/97)	Method for seaming two edges of a knitted tubular article.
182859. Innovata Biomed Ltd, England (1591/Cal/97)	An inhaler for delivering a substance in a finely divided form.
182860. Hoechst ktiengesellschaft, Germany (1597/Cal/97)	A process for preparing phosphorus modified epoxy resin.

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### International News

The patenting system in Argentina provides some interim measures for the patentees during litigation. The patentees may apply for two types of interim measures during litigation: injunction and *Incidente de Explotacion*. The injunction does not give the infringer the option to continue using the patent. While the *Incidente de Explotacion* allows the infringer to choose between:

- 1 Posting a bond (to guarantee reimbursement of damages that the patentee may be awarded as a consequence of the infringement) and continuing to use the patent during the lawsuit.
- 2 Ceasing to use the patent, and requesting that such bond is posted by the patentee (to guarantee reimbursement of damages that the suspension of the use of the patent may cause to the alleged infringer).

### (Patent World, Iss 115, Sept 99)

Certain changes have taken place in the fees charged by the New Zealand Patent Office. with effect from July 1, 1999.

1. The official fee payable for patents designs & trademarks has been reduced from NZ \$ 150 to \$32.
2. Extension of time fees has been eliminated.

Contd on...8

182861. Comsat Corp, USA (366/Cal/94) A communication system.
182862. Suresh Electrics & Electronics, India (608/Cal/94) A snap type hose clip.
182863. Personal Products Co, USA (808/Cal/94) Flexible deodorant substrate.
182864. Daewoo Electronics Co Ltd, Korea (298/Cal/95) Apparatus for encoding a video signal using feature point based motion estimation.
182865. Blanco Gmbh & Co Kg, Germany (240/Cal/95) Curable mass for the manufacture of plastic molded articles.
182866. Edward Mendell Co Inc, USA (344/Cal/95) A method of preparing sustained release excipient.
182867. Mitsubishi Denki Kabushiki Kaisha, Japan (448/Cal/95) Dynamoelectric machine rotor and method for preparing it.
182868. Daikin Industries Ltd, Japan (761/Cal/95) A process for preparing a molded polytetrafluoroethylene and an apparatus for dewatering the wet powder in an intermediate step therefor.
182869. Asta Medica Aktiengesellschaft, Germany (181/Cal/97) A process for the preparation of phospho lipid derivative.
182870. Kwahak International Co Ltd, Korea (533/Cal/97) Artificial insemination and embryo transfer device.
182871. Foseco International Ltd, England (872/Mas/93) A substantially dry self-hardening thermally activated refractory composition.
182872. Cartonal Machines India Pvt Ltd, India (886/Mas/93) A quick self-locating creasing matrix.
182873. C Raja Reddy, India (908/Mas/93) A plant for producing streams of different ionic salt concentrations from fluids containing inorganic salts dissolved therein.
182874. CPC International Inc, USA (34/Mas/94) A method of making a carrier type corrugating adhesive composition.
182875. Mitsubishi Denki Kabushiki Kaisha, Japan (172/Mas/94) Switching apparatus.
182876. Abion Beteiligungs Und Verwaltungs Gesellschaft Gmbh, Germany (662/Mas/96) A process for the production of storage resistant particles.
182877. Ajinomoto Co Inc, Japan (760/Mas/96) A feed composition containing polygamma glutamic acid.
182878. Novus International Inc Corp, USA (983/Mas/96) A high moisture containing feed composition for poultry and other animals.

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**International News**

3. Fees for application for revocation or cancellation of a design registration has been omitted.
4. Hearing fee has been increased from NZ \$ 330 to NZ \$ 750.
5. Opposition fee reduced to NZ \$ 300 from NZ \$ 500.

**(Patent World, Iss 115, Sept 99)**

An increase of 31.5% in the number of patents granted by the US during the year 1998 over 1997 has been reported. The US Patent and Trademark Office granted a total of 163,209 patents in 1998 which included 147,521 utility, 14,767 design, 561 plant and 298 reissue patents and 62 statutory invention registrations. The top 10 countries from where inventors have obtained US patents in 1998 are listed below:

Country	Patents Granted in 1998	Rank
USA	90,705	1
Japan	32,119	2
Germany	9,581	3
France	3,991	4
Taiwan	3,805	5
UK	3,726	6
Canada	3,537	7
South Korea	3,362	8
Italy	1,819	9
Netherlands	1,382	10

([www.uspto.gov](http://www.uspto.gov))

The European Union's Community Research and  
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182879. Rhone-Poulenc, France (1987/Mas/96)	A process for preparing a purified form of a group (a) component of streptogramin.
182880. CPC International Inc, USA (2239/Mas/96)	A method of making a reduced calorie cheese from a cheese making composition.
182881. British Telecommunications Public Ltd Co, England (312/Mas/92)	Radio system.
182882. Japan Exlan Co Ltd, Japan (60/Mas/93)	Process for manufacturing a solvent of polyacrylonitrile.
182883. FCB, France (73/Mas/93)	A process and a plant for manufacturing calcined alumina or like materials in powdered form.
182884. Rieter Ingolstadt Spinnereimaschinenbau Aktiengesellschaft, Germany (453/Mas/93)	A method and an open-end spinning machine for manufacturing a spun yarn.
182885. Maschienefabrik Rieter Ag, Switzerland (470/Mas/93)	A spinning tube for winding drawn and twisted yarn in a spinning frame.
182886. Showa Denko K K, Japan (475/Mas/93)	A process for producing 1,1,1,2-tetrafluoroethane.
182887. Amp-Akzo Linlam VOF, The Netherlands (497/Mas/93)	A method of manufacturing a composite laminate comprising unidirectional reinforcing fibres for use in printed wire boards.
182888. AT & T Corp, USA (521/Mas/93)	A method of manufacturing high silica glass suitable for fabricating optical elements.
182889. Sree Chitra Tirunal Institute for Medical Sciences & Technology, India (530/Mas/93)	A method for surface processing of polystyrene plasticwares.
182890. Rocky Research, USA (574/Mas/93)	A reactor for absorbing and desorbing a polar gas in/from a metal salt.
182891. Maldan Engineering Pvt Ltd, India (151/Bom/94)	Water borne crafts.
182892. Mohan Madhav Bharadwaj, India (343/Bom/94)	Fill structure for cooling tower.
182893. Dinesh Patel, India (379/Bom/94)	An improved vane system.
182894. Charles Victor Mesquita, India (484/Bom/94)	A pumping system for storage and transfer of liquids.
182895. National Peroxide Limited, India (495/Bom/94)	An improved process for manufacturing upgraded cottonseed oil.
182896. Atul Ltd, India (521/Bom/94)	A process for the preparation of water soluble tetra-kis azo acid dyestuffs.

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### **International News**

Development Information Service (CORDIS) is providing a IPR helpdesk facility mainly to increase awareness about the importance of IPRs in the process of technology innovation and to encourage use of patent database searches. It also provides free personal advice service. The majority of inquiries received till date have been from France followed by Belgium, UK, Germany, Spain and the Netherlands. Most of them have been responded within 24 hours. The kind of requests received relate to general information on patents and other means of IPR protection and specific queries about contractual issues related to planned joint research projects. For this service the readers may contact at [www.cordis.lu](http://www.cordis.lu).

### **(Innovation & Technology Transfer, Vol 3, May 99)**

In order to simplify the patent application process and give streamlined access to cost effective Europe-wide patent information, the European Commission has started taking some initiative in this direction. Its First Action Plan for Innovation in Europe aims at reducing the cost and complexity of protecting intellectual property. Working in this direction, the EU adopted a Communication in March 1999, which led to proposals for introduction of a

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182897. Hindustan Lever Ltd, India (527/Bom/94) Process for the production of a detergent composition.
182898. FDC Ltd, India (568/Bom/94) A closure cap for piercing the container.
182899. The General Manager Tear Smoke, India (89/Bom/95) A multi-barrel launcher.
182900. Parag Prabhakar Khedka, India (137/Bom/95) A safe and user friendly device for burning mosquito repellent coil.

**B. 7 August, 1999**

182901. Ch V G K Murty & others of The Tata Iron & Steel Co Ltd, India (789/Cal/94) A process for producing pellets with reduced alkali content.
182902. ABB Air Preheater Inc, USA (1017/Cal/94) An infrared hot spot detection device for a rotary regenerative air preheater.
182903. Kingsway Group Plc, UK (407/Cal/95) An improved method & apparatus for production of biogenetic silica from organic plant matter.
182904. R M D Crystal Research Pvt Ltd, India (584/Cal/95) A process of preparing a medium called helicoched for detecting the presence of helicobacter pylori bacteria in gastric mucosa of persons suffering from peptic ulcers, non ulcer dyspesia & neoplasms.
182905. Hydro Aluminium Systems S P A, Italy (861/Cal/95) Set of composite metal-wood sections for door & window-frames.
182906. Daya Ranjit Senanayake, Sri Lanka (867/Cal/95) Chimney.
182907. E I Du Pont De Nemours & Co, USA (2237/Cal/96) An apparatus & process for producing carbonyl halide.
182908. Asta Medica Aktiengesellschaft, Germany (182/Cal/97) A process for the preparation of phospholipid derivative.
182909. Asta Medica Aktiengesellschaft, Germany (183/Cal/97) A process for the preparation of phospholipid derivative.
182910. American Cyanamid Co, USA (1030/Cal/97) Process for the preparation of 1 4-idaryl 2-fluoro-2-butene insecticidal & acaricidal agents.
182911. The Procter & Gamble Co, USA (449/Del/91) A liquid hair care composition.
182912. CSIR, India (1032/Del/91) A process for the preparation of novel gallo silicate catalyst composite material.
182913. The Standard Oil Co, USA (1183/Del/91) A process for preparing a viscous meltprocessable polymers.

*Contd from... 9*

**International News**

unitary EU patent valid throughout the European Union on the basis of a single application. The single EU patent is expected to promote investment in innovation and boosting employment, growth and competitions in the EU. A directive to harmonise the conditions for patentability of inventions related to computer programs also forms part of the measures being taken by EC for making the patent system in Europe simple and less costly. The Commission has already started working towards spreading of awareness through its Quick Scan Service and the creation of IPR Helpdesk. In collaboration with the EC, the EPO is also offering free on-line access to over 30 million patents throughout the world.

**(Innovation & Technology Transfer, Vol 4, July 99)**

This is a case of trademark infringement decided in the British Court in the year 1995. The case was decided mainly on the principle of likelihood of association which gives rise to likelihood of confusion on the part of the public. Here the plaintiffs ran a successful Japanese restaurant named, "Wagamama" which it held as registered mark while the defendants opened an Indian restaurant using the name "Rajamama" (later, "Raja Mama").

*Contd on...11*

182914. The Registrar, Kurukshetra University, Kurukshetra, Haryana India (648/Del/92)	A process for the preparation of benzothiazines.
182915. The Registrar, Kurukshetra University, Kurukshetra, Haryana, India (649/Del/92)	A process for the preparation of benzothiazoles.
182916. Indian Council of Medical Research, India (1160/Del/94)	A process for the preparation of cyclosporin A.
182917. The Procter & Gamble Co, USA (1240/Del/94)	A process for preparing an oligosaccharide containing a 14-aminosteroid compound.
182918. CSIR, India (1511/Del/94)	An improved process for the preparation of 3 beta-acetyloxy-5-en-17-one (dha acetate).
182919. CSIR, India (1513/Del/94)	A process for the preparation of emulsifiable concentrate of dry azadirachtin powder having purity up to 88% prepared from neem seeds / kernels.
182920. The President & Fellows of Harvard College, & Virus Research Institute, Massachusetts (1672/Del/94)	A process for making a novel killed V cholerae vaccine.
182921. Krone Aktiengesellschaft, Germany (641/Cal/93)	Multiple cable contact.
182922. Siemens Aktiengesellschaft, Germany (740/Cal/94)	A gas turbine combustion chamber with a feeding device for an additive.
182923. Powderject Vaccines Inc, USA (54/Cal/95)	Gas driven gene delivery instrument.
182924. General Electric Co, USA (109/Cal/95)	An apparatus for measuring the voltage applied to an x-ray tube.
182925. Dynamotive Corp, USA (342/Cal/95)	Ultrasonic agitator.
182926. Lok-Tek Syringe Pty Ltd, Australia (470/Cal/95)	Hypodermic syringe with retractable needle mount.
182927. Commonwealth Scientific & Industrial Research Organisation, Australia (477/Cal/95)	Apparatus for determining at least a first measurement parameter of an object.
182928. Hoechst Aktiengesellschaft, Germany (562/Cal/95)	A reactive dye preparation.
182929. China Petrochemical Corp & Research Institute of Petroleum Processing, China (922/Cal/95)	Process for the preparation of alpha-butyrolactone.
182930. Klinger Ag, Switzerland (1303/Cal/97)	Sealing ring for a shut-off valve.

Contd from... 10

### International News

The case was decided in the favour of the plaintiffs by the Judge Laddie J. who concluded that, "The defendant's mark, in either form, is so similar to the plaintiff's registered mark that in use there exists a substantial likelihood of confusion on the part of the relevant public. That confusion is likely to take form that some members of the public as a result of imperfect recollection will think the marks are the same while others will think that they are associated in the sense that one is extension of the other or otherwise derived from the same source".

**(Wagamama vs. City Centre Restaurant [1995] F.S.R. 713, Laddie J.)**

The Goodyear Tire & Rubber Company patented a process to recover a high percentage of rubber from existing tyres so that it can be recycled into other products, including tyres.

**(The Economic Times, 10 Sept 99)**

A US patent (Patent No. 5,939, 598) has been granted to Abgenix Inc. for producing fully human monoclonal antibodies in a transgenic mice.

**(Genetic Technology News, Vol 19 September 1, 1999)**

The IPR Bulletin is now available at [www.tifac.org.in](http://www.tifac.org.in)

## Indian Patent Databases

Following Databases on Indian patents are available with Patent Facilitating Centre on the CDROM discs.

**Ekaswa-A** : Patent applications filed in India as published in the issues of the Gazette of India (Part III, Section 2) from January 1995 onwards

**Ekaswa-B** : Patent applications notified for opposition in the Gazette of India (Part III, Section 2) published from January 1995 onwards

**Cost of Individual CD** : Rs 500/- (Five hundred only)

**Annual Membership Scheme** : Rs. 3500/- (4 CDs of each database in a year; you will receive 8 CDs in all)

You may write to the Director, PFC for these CDROMs. Please make payment in advance through a demand draft drawn in favour of TIFAC, New Delhi.

## Domestic News

The Department of Biotechnology (DBT) under the Ministry of Science & Technology, Government of India has set up its own patent facilitating cell. The cell shall facilitate processing of patent applications for inventions emanating from the activities sponsored by the department as well as research and development institutions. DBT has already filed 41 patents and has been granted 7 Indian patents and 6 US patents. (*Biotechnology News, Vol 1, No 1, 15 Aug 99*)

**(The Times of India, 28 Sept 99)**

Four non - governmental organisations (NGOs) have joined hands in fighting against the Basmati patent acquired by Rice-Tec. The NGOs are Gene Campaign from India, the Rural Advancement Foundation International (RAFI) of Canada, the Berne Declaration for Switzerland and the Lichtenstein Society for Environmental Protection, Lichtenstein. They have already submitted a

representation to the President of Rice-Tec, Hans Adam II, the Earl of Lichtenstein demanding that Rice-Tec should take back its patent and stop using the name Basmati for any of its products.

**(Business Standard, 28 Sept 99)**

The Indian Institute of Chemical Technology (IICT) has patented a process for production of a pesticidal dry powder formulation enriched in azadirachtin up to 88% and an emulsifiable concentrate enriched in azadirachtin up to 30% from neem seed/kernel. The dry solid is suitable for insect pest control formulations for use in agriculture, veterinary and public health applications.

**(The Hindu, 2 Sept 99)**

The Ministry of Health and Family Welfare is setting up a six member committee to formulate the ministry's stand on the patents issue. The committee headed by the Additional Secretary (Health), Shri G.R. Patwardhan shall submit its report within the next two month

**(Business Standard, 14Sept 99)**

**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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