



WTO-IPR Bulletin

G.B. Pant University of Agriculture & Technology, Pantnagar, Uttarakhand-263 145

IPR Camp on GI Protection for 'Baal Mithai' & 'Singhauri'

One day Intellectual Property Rights Camp was organized at District Industrial Centre, Almora on 24th April for GI protection of 'Baal Mithai' and 'Singhauri' in the region of district Almora, Uttarakhand. Dr. H.S. Chawla, Nodal Officer, Patent Information Centre delivered a lecture 'An Overview of TRIPS: Geographical Indications for sweet makers of Almora and officials of industry. With several interesting examples he explained how 'Baal Mithai' & 'Singhauri' which are symbolic in district Almora region of Uttarakhand can be protected under 'The Geographical Indications of Goods Act, 1999'. In the light of facts discussed in the meeting an association of sweet makers is to be established before the filing of application for GI protection of 'Baal Mithai' and 'Singhauri'.

Awareness on WTO and IPR for Industrialists

Dr H.S. Chawla, Nodal Officer gave lectures on WTO-SSI: An Overview of TRIPS for Industrialists and Entrepreneurs. He explained various forms of IPR protection especially patents, trademarks and designs in context of present WTO regime. Patent filing, design and Trade mark registration procedures were explained. These two Camps were organized by Small Scales Industries Institutes of Agra and Haldwani, Govt. of India at Saharanpur, U.P and Roorkee, Uttarakhand respectively on 16-17 March.

Outsourcing Boom in India Raises IP Protection

Issues: With the outsourcing industry booming in India, Indian BPO's and LPO's need to focus on the issue of how to protect their valuable intellectual property. The data protection laws that companies in the U.S. or Europe enjoy are not enjoyed by their Indian contemporaries as India's

laws are still in the transitional phase lacking the elasticity to meet with the growing demands. The Indian legislature is dishing out laws and amendments to the existing legal scope to meet the fast growing economic revolution hitting the country. However, in spite of the efforts, legislations such as the Indian Penal Code and the Information Technology Act still need upgrading to meet international situations and standards alike. In the meantime, our companies require that the mandate of elaborate and definite outsourcing contracts be complied with so that they can protect their valuable intellectual property.

26th April

World Intellectual Property Day
Indian Patent Office celebrated this day as 150th year of its establishment.

(Source – MIPR Vol. 1 (2) 2007)

EU, India set to fight spirited battle at WTO

European Union are set to clash with India at the WTO over the duties on imported wines and spirits imposed by New Delhi. The WTO's dispute settlement body (DSB) established a panel to rule on the matter following a second request from the European Commission (EC). The panel could take up to 6 months to come up with a finding. The EC had first requested for a dispute panel on April 10 but India had refused on the request and talks were still on between the two parties to resolve the issue. Joining the EC are Australia, Chile, Japan and the US, which has reserved their third-party rights. The EC said the aggregate duty level due to levies imposed by India – including a basic Customs duty, an additional duty and an extra additional duty- ranges from 177- 264% for imported wines and 252-550% for imported spirits. According to the EC, the duty level exceed the bound level of 150% ad-valorem for wines and spirits laid down in India's WTO tariff schedule.

(Source - The Economic Times: 26 April, 2007)

IPR News

Happy Times ahead for Indian Generic Drug Makers

The year 2007, can indeed be termed “the year of the generics” with the global market for generic drugs soaring sky high. Most major generic drug makers such as Lupin Limited, Ranbaxy Laboratories are all set to embrace the incoming boom in the business. They are gearing up to meet global challenges in various countries abroad with a view to lower their distribution costs and also to stimulate generic drug sales. They are not leaving any stone unturned in terms of efforts and are investing heavily into R & D and obtaining US FDA approvals for their several generic drug preparations. **(Source – MIPR Vol. 1 (2) 2007)**

Farmer’s Fair – Pantnagar

All India Farmer’s Fair (*Kharif*) was organized by G.B.P.U.A. & T., Pantnagar, Uttarakhand from 11th – 14th March 2007. Intellectual Property Management Centre (IPMC) participated in Farmer’s Fair with a separate stall. Display charts on different forms of IPR and plant variety protection were put up for awareness of farmers, entrepreneur and scientific community. Dr. P.L. Gautum, Hon’ble Vice Chancellor, G.B.P.U.A. & T., Pantnagar, and Chief Guest Dr. P. Das, D.D.G. Edu. & Ext., I.C.A.R., New Delhi, appreciated the work done by I.P.M.C., Pantnagar and the efforts made by this centre.

The Coca Cola Co’s secretary Joya Williams was found guilty of conspiring to steal trade secrets from Coca Cola to sell them to Pepsi Cola. She has been found guilty and faces a term of 10 years which does not commence until the end of May. However, The Court has decided that she is likely to flee on the basis of the certain factors as she is not able to get employment elsewhere and hence needs to be kept in custody until her sentence term officially starts to run from end of May. **(Source – MIPR Vol. 1 (4) 2007)**

eBAY put on stand for Harry Potter books: J.K Rowling, the author of the popular Harry Potter imaginative series has been granted an injunction against another consumer popular, the eBAY website, which engages in the sale of several consumer items at affordable and attractive prices. The injunction has been awarded against the Indian version of eBAY after the High Court of Delhi found the website infringing on the copyright of the author, when the website committed the acts of auctioning illegal copies of the said book with fake signatures of J.K. Rowling. “The website also sold Harry Potter e-books, which amounted to infringement as the same were unauthorized and unaccounted for.

(Source – MIPR Vol. 1 (4) 2007)

Mere incremental innovation controversy of Nadoxin patent: Nadoxin was launched by Wockhardt in 2002. In December 2003, the drug was granted exclusive marketing rights (EMR) on the premise that it was the only quinolone, a family of antibiotics, preparation that could be used for topical application. The EMR was granted for a period of five years or till it was made redundant by the grant of a product patent. Since the new Patents Act came into effect in 2005, Wockhardt had made an application seeking a product patent for the drug. If granted, it would have enabled the company to retain its exclusivity in this market. Cipla last year filed a pre-grant opposition to Wockhardt patent application for Nadoxin claiming that similar drugs already existed in the market. Subsequently, the Indian Patent Office denied Wockhardt a patent for its antibiotic on the grounds of ‘prior art’ because information is already available which means Wockhardt’s so called innovation was information already in the public domain. Wockhardt has now filed a case with the Bombay High Court, after the rejection of its [patent application on Nadifloxacin, a topical antibiotic sold under the brand name Nadoxin.](#)

(Source - The Economic Times: Thursday 5 April, 2007)

The battle over ‘Winnie the Pooh’, the well known cartoon character sporting a red Tee has been decided in favour of the Slesinger family vs Disney Co. by a U.S. Federal Judge. The Slesinger family has held the rights to the “Pooh” character since 1930 and shall continue to henceforth too according to the decision. *(Source – MIPR Vol. 1 (4) 2007)*

Patent Profile- Pantnagar

G.B.P.U.A. & T., Pantnagar has Processed a patent application entitled "**A Security System Based on Tele Communication**" by Pradeep K. Sharma & Dheeraj Bisht, Electronics & Communication Dept., College of Tech., for filing in the Indian Patent Office, New Delhi

Stem cell patents: The U.S. Patent and Trademark Office has made a preliminary decision to revoke three fundamental patents on human embryonic stem cells. The stem cells have the potential to turn into any type of body tissue. Dr. Thomson’s isolation of them in 1998 set off a big effort to turn that basic technology into treatments for various diseases. The oldest patent was issued in 1998 and the most recent was issued last year. On Monday 2nd April 2007, the USPTO posted on the website that the examiners said that Dr. Thomson’s cells appeared to be the same as, or obvious variations of, cells described in earlier scientific papers or in patents issued to others.

(Source - The Hindu: April 5, 2007)

Lectures in Seminar/Symposium

Dr. H.S. Chawla gave one lecture on **An Overview of TRIPS: Plant Variety Protection** in a Brainstorming Workshop of Northern States for strengthening State Seed Corporations organized by Uttaranchal State Seeds and TDC, Pantnagar on 23rd April. He also gave a lecture on **IPR, WTO in relation to Plant Protection** to participants of a workshop on Role of mineral nutrients and innovative eco-friendly measures in crop disease management at Pantnagar.

Dr J.P. Jaiswal and Dr M.W. Ansari, attended a workshop on Management of Intellectual Property Rights in Biotechnology sponsored by DBT at Lucknow, 15th -16th March, 2007.

Novartis appeal on imatinib mesylate: The Madras High Court has transferred appeals filed by Swiss pharma major Novartis, challenging the Patent Office rejection of its application for patenting a drug ‘beta crystalline’ form of ‘imatinib mesylate’ under section 3(d) of the Act to an Appellate Board. *(Source - The Economic Times: 5 April, 2007)*

IPR theft: A huge loss to economy: Government of India and Industry lose heavily due to IP theft of counterfeiting and piracy which amounts to staggering Rs. 1,208 million annually. Also, the country is placed at an unenviable sixth position in global piracy market that again robs the world of \$600-650 billion annually. The last few years have spawned border crimes related to violation of copyrights, patents or trademarks. Piracy’s worst victim, however, seemed to be the music industry, with India posting losses close to Rs. 1800 crores in the last three years. There is an urgent need to set up legislation against IP related crimes. The Custom Officials need to identify and implicate culprits of counterfeit and piracy. There is a need for amendments to the Customs Act, 1962. The present Act only allows us to seize suspicious imports, but not exports.

(Source - The Economic Times: 27 April, 2007)

Indian customs to have more say on IPRs: The Centre has decided to give more powers to custom authorities to ensure all-round protection of IPRs vis-a-vis foreign goods

and services arriving in India. The Union finance ministry has recently given a green signal to the central board of excise & customs (CBEC) to issue a notification under section 156 of the Customs Act, 1962, empowering customs authorities to look into infringement of IPRs of those product and services in respect of industrial designs, geographical indications (GIs) and patents. **(Source - The Economic Times: 25 April, 2007)**

Survey on IPR: Manupatra Information Solutions Pvt Ltd. conducted a survey on IPR. It showed that 80% of the respondents are familiar and clear about what IP stands for and that it consists of product trademarks, copyrights, corporate trademarks and patents. However, few have knowledge about designs. It is also believed that IPRs aid in preventing others from reaping the benefits of inventions, new technology or products from those who invest in the research and development of the product. Besides this, it also adds monetary value to the company. Companies in India recognize the importance of IP and they are aware that IPRs can be used as a legal tool to protect certain rights, safeguarding its interest in retaining its monopoly with which companies can monopolize their discoveries and inventions towards monetary gains, and to protect their brand image, by preventing spurious products entry into the markets.

(Source – Manupatra Newslite Vol. 2 (3) 2007)

Lawsuit Over Cabilly II Patent Gives Invalidity Verdict: The lawsuit over Greentech Inc's Cabilly II patent has come to an end with the Supreme Court ruling in favor of the Biotech's rival, MedImmune. At issue was MedImmune's drug Synegis, which Greentech alleged fell under the scope of the Cabilly II patent and therefore royalty for the same were demanded. To this contention, MedImmune challenged the validity of the patent while disputing Greentech's right to the IP rights over the patent while stating that the patent should have expired in 2006 thus not entitling Greentech to receive continued payment by way of royalties after the said expiry period. The Supreme Court while pronouncing the judgment stated that MedImmune could proceed with its claim in the lower courts. The Judge also held that no royalties were due to Greentech as the patent claimed was invalid.

(Source – MIPR Vol. 1 (4) April 2007)

Yahoo competes with Google in copyright cases: A lawsuit involving copyright infringement between web sites and their true owners has been filed. A Belgian newspapers group, Copiepresse has sent an official letter to Yahoo in continuation of its efforts to remove its member newspapers contents' from online search engines. The letter includes accusations against Yahoo's France division alleging copyright infringement and comes after Copiepresse's success in getting Microsoft and Google to remove its member newspapers content from their websites.

(Source – MIPR Vol. 1 (2) 2007)

Two men with stolen trade secrets picked up: In the first case of its kind, two men, Fei Ye and Ming Zhong were arrested while attempting to board an aircraft bound for China. They were found in possession of stolen trade secrets belonging to Sun Microsystems Inc. and Transmeta Corp. The two were caught before they could escape with the trade secrets, which they intended to use to start a microprocessor company in alliance with the Chinese Government.

(Source – MIPR Vol. 1 (2) 2007)

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