



Confederation of Indian Industry



INTELLECTUAL
PROPERTY INDIA
Patents | Designs | Trademarks
Geographical Indications

CLUSTER LEVEL IP AWARENESS PROGRAM FOR AUTO CLUSTER

C H E N N A I - 1 6 O C T O B E R 2 0 1 3



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Cluster level IP Awareness program

An initiative of the office of the Controller General of Patents, Designs and Trademarks (CGPDTM) in association with Industry Associations (CII, FICCI, ASSOCHAM)

A. About the Initiative

Background: In the globally competitive environment, intellectual property has placed itself on a pedestal in the context of economic growth and has become more important than ever. Intellectual Property is the fuel that powers the engine of prosperity, fostering invention and innovation. Being an intangible asset, Intellectual Property plays a very important role in the socio-economic ecosystem and their creation and protection is essential for the sustained growth of a nation. Increasing significance of intangible assets in the global economy is forcing business organizations to actively manage the role of IP as a key driver for building and sustaining their competitive advantage and achieving superior performance.

Intellectual Property Rights (IPRs) are exclusive rights over such intellectual property granted to creators / holders which protect their rights from misappropriation by third parties without their authorization. They are now not only being used as a tool to protect creativity and generate revenue but also to build strategic alliances for socio-economic and technological growth. Accordingly, in order to foster the protection of innovations and creativity, the Intellectual Property Office under the Ministry of Commerce and Industry is dedicated to mobilize the use of such technological advancement for the economic development of the country.

Intellectual Property Laws in India are TRIPS compliant and coupled with a strong enforcement mechanism and a vibrant judicial system, they create the best investment opportunities and a conducive environment for protecting IP Rights in order to enable the industrial community to diversify its commercial activities.

India has also developed a national framework for creation and protection of IPRs, which is continuously evolving and meets global standards. The challenge before the country is to scale up the process of IP creation and capture value from the scientific and technological creations to catapult the country into the league of most innovative and developed nations.

Recognizing the importance of intellectual property, the Hon'ble President of India declared the decade of 2011-2020 as the Decade of Innovation. The future prosperity of India in the new knowledge economy would increasingly

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depend on its ability to generate new ideas, processes and solutions, and the process of innovation would convert knowledge into social good and economic wealth. The President called upon the people to step up expenditure on research to pursue innovation in a big way. In a globally competitive world, India had to unleash its innovation potential to increase capacity, productivity, efficiency, and inclusive growth. “The spirit of innovation has to permeate all sectors of economy from universities, business and government to people at all levels.”

Relevance and Importance of Intellectual Property Rights for cluster – The times are changing and now we can no longer count on a large and regulated market to shelter us in the 21st century. In today’s globalised scenario, industries need to step up their efforts and ability to innovate to make better products and become more proactive to protect their innovations. Innovation- the successful exploitation of new ideas- is the key business process that enables one to compete effectively in the increasing competitive global environment. It is now critical for the Indian industry to understand the implications of Intellectual Property protection – both legal and economic, to protect its own business interests in India and abroad.

However, Indian industry is yet to realize the potential role of intellectual property rights despite their inherent innovative capability. This is evident from the applications filed for protection of intellectual property rights. There exists a two-fold need with respect to intellectual property rights in India:

- Greater understanding across the industrial sector about the fundamentals and different facets of IP and,
- Advanced learning in the area of patents in order to provide trained individuals who can perform at peak potential from early in their career.

In this background, the Intellectual Property Office, in association with the Industry Associations namely the Confederation of Indian Industry (CII), the Federation of Indian Chambers of Commerce & Industry (FICCI) & ASSOCHAM, has planned to conduct a series of cluster specific awareness programs on IP in year 2013-2014 to create Intellectual Property awareness among the specific clusters so as to encourage these clusters to promote Intellectual Property Right protection.

Cluster level IP Awareness program

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A.1 Cluster Selected for 2013

The following clusters 12 clusters have been identified for these awareness programs:

1. Auto - Chennai
2. Leather - Ambur TN
3. Handloom - Ludhiana
4. Leather - Kanpur
5. Gems and Jewellery - Surat
6. Foundry - Belgaon
7. Auto - Pithampur Indore
8. Engineering & Technology -Nasik MH
9. Chemical - Ankleshwar
10. Machine Tools - Bangalore
11. Auto - Pune
12. Coir - Alappuzha Kerala

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A.2 Methodology

The following methodology were used in conducting these awareness programs.

Step-1:

A one day awareness programme was held, which is designed with topics covering various aspects of intellectual Property rights including Introduction to Technology Transfer, IP Licensing, Valuation and Auditing and IP Commercialization to offer a comprehensive introduction and up-to-date knowledge to all the participants, particularly those work deals with intellectual property and its effective protection. The program will also focus on issues relating to Enforcement of IPRs & Remedies against Infringement. The 1-day programme would be tailored made as per the specific clusters' requirement.

Step-2:

The following activities was undertaken by the Industry associations.

- Mapping of Awareness levels currently existing and advice on the way forward, based on questionnaire distributed in the workshop.
- Identifying & short-listing protectable products / processes- creation of a repository of technologies/ products / processes which could be protected through IPRs.

Step-3:

- Identifying suitable IP Protection for the products/processes or designs identified.
- Suggesting mechanisms for protection of intellectual property.
- Developing a Road Map for IP Management Practices.
- Handholding activities by Industry Associations for filling IP applications.

Cluster level IP Awareness program

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B. Objectives

The Intellectual Property Office has selected twelve clusters out of 39 clusters being supported by Department of Industrial Policy & Promotion under the Industrial Infrastructure Upgradation Scheme (IIUS) for conducting the IP Awareness programs. The overall objective of the training programme is to give both advisory and protection services. The objectives of these awareness programs are mentioned below.

- To sensitize the clusters about Intellectual Property Right and their protection.
- To identify protectable innovations.
- To suggest steps for transforming innovations into proprietary assets.
- To use IP information, particularly relating to patents and designs, for further research and development in developing new product and process.
- Utilize the IP information in their business development.

Cluster level Intellectual Property Awareness Program

(Cluster: Auto)

C. Place & Venue

Confederation of Indian Industry (CII) in collaboration with Intellectual Property Rights office India, under Department of Industrial Policy and Promotion (DIPP) and with support of Ambattur Industrial Estate, Thirumazhisai, Rirumudivakkam, Chennai conducted the Cluster level Awareness Session on Intellectual Property Rights for Auto Cluster on 16th Oct 2013 at AIEMA Technology Centre, Ambattur.

The auto component cluster at Chennai is an induced one, and has been linked to the established of the larger industries like Ashok Leyland, TVS Group, Rane Group and Amalgamation group of companies. Initially it started with the establishment of some units then gradually expanded in line with the level of sophistication and product range of the larger units. Today Chennai is popularly known as Hub of automobile industry and also known as Detroit of India.

Cluster level Intellectual Property Awareness Program

(Cluster: Auto)

Annexure I Detailed Programme

Cluster level Intellectual Property Awareness Program

(Cluster: Auto)

ANNEXURE I

Detailed Programme

0900 – 1030 Hrs	REGISTRATION & WELCOME TEA/ COFFEE	
1030 – 1100 Hrs	OPENING SESSION	
	Welcome Address <i>Brief on the objective of the program</i>	Shri T V Madhusudhan Assistant Controller of Patents & Designs Intellectual Property Right office, India
	Address	Shri Sivagnanam S Additional industrial Adviser Ministry of MSME; Chennai
	Keynote Address	Mr S Srinivasan Former Director - Chennai Auto Cluster Board Auto Cluster Association; Chennai
	Vote of Thanks	Ms. Sowmiya CII
1100 – 1230 Hrs	Technical Session I: <i>Introduction to IPR: A Basic Overview of all forms of Intellectual Property Rights & its importance with examples.</i> <ul style="list-style-type: none">• <i>Why IPR</i>• <i>IPR and Business Competitiveness</i>• <i>Patents</i>• <i>Copyrights</i>• <i>Trademarks & Service marks</i>• <i>Geographical Indicators</i>• <i>Industrial Designs</i>• <i>Trade Secrets</i>• <i>Plant Varieties</i>• <i>Semi Conductor Integrated Circuits lay out designs</i> Different aspects of Design and Trademark related issues specific to auto Cluster with the Case Studies	
	Speaker	Shri T V Madhusudhan Assistant Controller of Patents & Designs Intellectual Property Right office, India
1230 – 1330 Hrs	Lunch	

Cluster level Intellectual Property Awareness Program

(Cluster: Auto)

1330 – 1430 Hrs	Technical Session II	
	<ul style="list-style-type: none"> ➤ <i>Introduction to technology Transfer, IP Licensing, IP Valuation & IP Audit</i> ➤ <i>IP Commercialisation</i> ➤ <i>Case Studies on IP Commercialisation & Appreciation of Revenue Models</i> ➤ <i>Case studies on IP Management</i> 	Ms Swapna Sundar CEO IP Dome
	Q&A session	
1430 – 1500 Hrs	Technical Session III	
	<ul style="list-style-type: none"> ➤ Introduction to Patents <ul style="list-style-type: none"> ○ <i>Specific issues relate to Patents for auto products</i> ○ <i>Case studies</i> ➤ Different aspects of Designs <ul style="list-style-type: none"> ○ <i>Specific issues relate to Design for auto product</i> ○ <i>Case studies</i> ➤ Different aspects of Trademarks <ul style="list-style-type: none"> ○ <i>Specific issues relate to Design for auto product</i> ○ <i>Case studies</i> 	
	Speaker	Mr M S Bharath Partner Anand and Anand
		Mr V Natarajan Deputy Register Trademark office; Chennai
		Representative from ACMA
	Q&A	
1500 – 1530 Hrs	Technical Session IV: Interactive & Feed Back Session	
1500 – 1530 Hrs	Technical Session V: Enforcement of IPRs & Remedies against Infringement: Case Laws	
	Speakers	Mr M S Bharath Partner Anand and Anand
1530 Hrs	Close of the Proceeding	

Cluster level Intellectual Property Awareness Program

(Cluster: Auto)

Annexure II Speaker(s) profile

Cluster level Intellectual Property Awareness Program

(Cluster: Auto)

ANNEXURE II



Sivagnanam S

Additional industrial Adviser
Ministry of MSME; Chennai

Sivagnanam S did his B E (Mechanical) from Guindy Engineering College, and post graduation MBA (Specialization in Financial Management), ISO 9000/14000 Lead Auditor.

Experience

- 10 years in Hindustan Machine Tools, Ernakulam, as Design and Development Engineer.
- 2 years as Technical Officer in CIPET, Bhubaneswar , 2 years in a Bank.
- 19 years in the service of small scale industries – presently working as Additional Industrial Adviser, MSME Development Institute (formerly Small Industries Service Institute), Chennai, under the Ministry of Micro, Small & Medium Enterprises, Government of India).

Cluster level Intellectual Property Awareness Program

(Cluster: Auto)



T V Madhusudhan

Assistant Controller of Patents & Designs
Intellectual Property Right office, India

He has a Post-graduation degree in M.Sc., Industrial Chemistry, passed out in distinction from Regional Engineering College which is presently known as National Institute of Technology, Warangal of Andhra Pradesh. After working in Private and Central Government office, he joined as Examiner of Patents and Designs in 1997 and later was promoted to the post of Assistant Controller of Patents and Designs in 2006.

His responsibilities in the present office is to supervise the work of an examiner of patents and designs, and decides either the grant or refusal of Patent right to the applicant. His area of specialization is Chemistry and Biotechnology. Also as a quasi judicial authority, he conducts Pre-grant and Post-grant oppositions and issue decisions accordingly.

Participated in the seminars and symposiums conducted by World Intellectual Property Organization [WIPO] at various locations including Dhaka and Verona of Italy. He has been involved in various patent awareness programs and delivered lectures with respect to Intellectual Property. He has delivered lectures in different educational institutions like engineering colleges and universities which includes IIT and NALSAR. Also he has participated in deliberations in Non-Government Organizations like TERI and CENTAD. He was also been invited to give guest lectures in Bio-2008 in Bangalore Summit.

He had participated in Standard Committee on Law of Patents at WIPO headquarters, Geneva as a Indian Delegate to discuss the International Procedures on the harmonization of patent granting system.

Cluster level Intellectual Property Awareness Program

(Cluster: Auto)



M S Bharath

Partner
Anand and Anand

Bharath a partner at Anand and Anand, India leads the Chennai City Office practice since June 2009.

His practice includes Intellectual Property litigation before Indian High Courts, opposition, cancellation and other related proceedings before the Trademark Office, Intellectual Property Appellate Board (IPAB), Copyright Board and Geographical Indications Office. He has been the lead counsel in numerous appeals, rectification and original proceedings before the High Courts of New Delhi, Chennai and IPAB with several reported decisions to his credentials.

Over the years he has advised and managed large portfolios of several India based multinationals in the field of telecommunications, footwear and Fortune 500 companies engaged in diverse industries including footwear, luxury products, tobacco, brewing, automobile and consumer goods. He also counsels clients on assignments, licensing, co-existence, franchise and other transactions related to intellectual property.

He has been a speaker at and organized various national and international forums. (list attached).

Admitted: Bar Council of India;
Delhi High Court Bar Associations;
Madras Bar Association

Education: Vivekananda College, Madras University (B.Com, 1998);
Symbiosis Law College, Pune University (LL.B, 2001). Rank 1, 3 and 5

Recognition: Bharath has been endorsed by Asia Law for Intellectual Property identifying him as one of the leading counsels for IP in India.

Cluster level Intellectual Property Awareness Program

(Cluster: Auto)

Annexure III

List of Registered Participants

Cluster level Intellectual Property Awareness Program

(Cluster: Auto)

ANNEXURE III

Cluster level Intellectual Property Awareness Program (Cluster: Auto Cluster) 16 October 2013; Auto Cluster, Chennai			
S. No.	Name	Designation	Company
1	M. Mohammed	Head - HR	Vanjae Sales Pvt Ltd
2	T. Soundararajan	Sr. Manager Operation	NTC Engineering Services
3	S. Aravindan		Jassons Diamond
4	P. Vijaykumar		Enpro Engineering
5	P. H. Godavary	Partner	Enpro Engineering
6	V. D. Kirubhakaran	Director	Almight Pvt Ltd
7	K, Rajesh		Emerson process Mgt
8	R. Viswaswaran		Techno Concepts
9	R. Prasanna		Creative Forginus Pvt Ltd
10	C. Babu		Vaani Enterprises
11	V. Parthsarthy	Managing Director	Wave Current
12	V. K. Jain	Director	Instruments & Apparatus
13	C. Shiva Kumar		
14	P. S. Ramesh	Managing Director	Airflow Engineering
15	S. Vijayasekharan	Admin	TIEMA
16	T. Krishnappan		T. R. Engineering Enterprises
17	B. Ranga Rajan	Divisional Manager	Nissan Ashokleyland Tech Ltd
18	V. Saradha		R. G. Bronze Pvt Ltd
19	R. Chandrasekaran	Manager	Ashok Leyland
20	Sotheash		R G Bronze MFG Ltd
21	G. Gururajan	Manager - HR	G. K. Sons Engineering Enterprises
22	L. Venugopal	Managing Director	Vaasan Engineering
23	S. Shanmugam	Managing Partner	India Industries
24	S. Sivagnanam		

Cluster level Intellectual Property Awareness Program

(Cluster: Auto)

25	R. Dinesh Kumar		MSME
26	S P Sahu		The New Indian Express
27	R. Balamurugal		Pulsars
28	N.V. Robert		Workstudy Hydraulics
29	R. Kumar		Chennai Industries
30	M. D. Amarnath		A. J. Enterpries
31	Goutham M. S.		Mechci Cadd Engineering
32	Srinivasan	Manager	AIFMA
33	S. Gouthaman	Director	Plastic process
34	S. Srinivasan	Director	Skandia Cutting

Cluster level Intellectual Property Awareness Program

(Cluster: Auto)

Annexure IV Feedback

Cluster level Intellectual Property Awareness Program

(Cluster: Auto)

ANNEXURE IV

FEEDBACK

Evaluation of the programme was done on the following basis:-

- Overall Programme Evaluation
- Programme Structure
- Quality of Sparkers
- Content of Presentation
- Level of Learning

Feedback from Participants

The programme was absolutely useful and all the speakers were outstanding in their contribution and presentation.

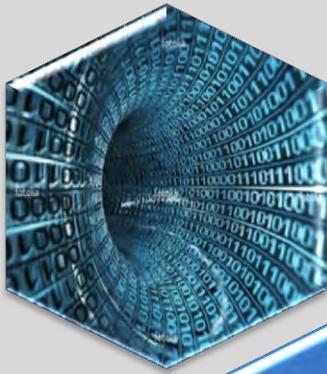
General Feedback

- The participants could have been more.
- The level of awareness amongst the participants was very low
- Pre event survey is required for such events.

Cluster level Intellectual Property Awareness Program

(Cluster: Auto)

PRESENTATIONS



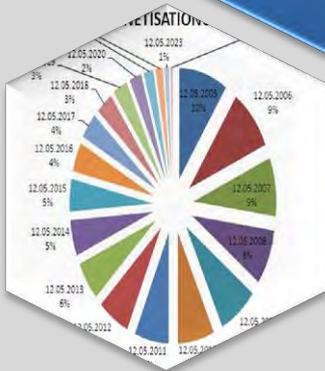
STRATEGY

*At the Intersection
of the Lab the Law
and the Market*

**RESEARCH
SUPPORT**



**Designed for
commercialisation**



PROTECTION

**Market
ready
innovation**

**Dedicated to
Building IP-led
value**



ABOUT IP DOME

Swapna Sundar started IP DOME with the simple idea that IP to be relevant in the market and useful to people must be tuned to market relevance from the moment of its conception.

At IP DOME we work at the intersection of the lab, the law and the market. We provide input to R&D at the conception stage and handhold R&D teams through the process of market-led innovation, and towards protectable IP. We place strong emphasis on studying approaching transitions in technology paradigms and aim to achieve innovations that have a long span of life, rather than short span innovations, that sometimes become obsolete even before the IP protection processes are fully implementable. In consonance with our vision of operating 'at the intersection of the law, the lab and the market', we bring our competencies in the three areas to create sustainable IP strategies in a rapidly evolving market.

IP DOME enables companies, technology-led businesses, inventors and research institutions, to identify and protect their intellectual creations and also facilitates refinement, production design and monetisation of IP to their increase profitability. Our team relies on creative engineering of the business to solve issues of clients and stake-holders.

We have brought together the best talent in Business Strategy, IP Services and Legal Strategy, to provide clients with a seamless integration of the three basic support services to achieve business goals and success in entrepreneurship. Our technical team provides world-class patent and IP search & analysis, thereby reducing risks of challenges to commercialisation by competition. A high competency team of IP professionals, valuers, academics and disruptive thinkers form the IP DOME think tank for predicting future tech transitions.

*With a Foreword by Justice V. Ramasubramanian,
Madras High Court:*

"...a Smart Book as it has several tips and applications that match a smartphone. Swapna Sundar has filled the vacuum by introducing a smart guide that would serve both the scientific community and the legal fraternity and would bridge the gap between science and art."

Ms. Swapna Sundar has come with an excellent compilation with this publication of the Workbook. The workbook will be specifically useful in integrating the overall IP processes and practices in a technology development environment.

*-Dr. Anindya Sircar
IP Head, Infosys*



R. Raghavendra Ravi, *Partner*

Mr. Ravi has about 30 years of Experience as a Management Consultant & Entrepreneur. Ravi has worked on Senior Position with companies like Godrej Soaps Ltd., Mumbai, Pond's India Ltd., Chennai (Which later merged with Hindustan Lever Ltd.), Core Parenterals Ltd., Ahmedabad and BTP India Ltd. Chennai. He has held very senior positions in Industry - CEO, Profit Centre head etc. and has worked in diverse functional areas like manufacturing, Factory management, Exports, Industrial Marketing, Business Development, New Product Development etc.



He currently advises midsized companies to help them achieve growth and profitability. Essentially he develops a long term plan for companies and helps them implement the plan.



Prof. Dr. V.C. Vivekanandan, *Honorary Advisor*

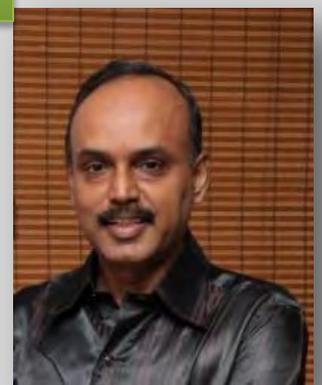
Prof. Vivek holds a PhD in IPR and currently is a Chair Professor of IP of the Ministry of Human Resources Development at NALSAR University of Law. He served as the Dean of the Rajiv Gandhi School of IP Law at IIT Kharagpur in 2009-10. He is also an adjunct visiting professor with University of Buffalo Business School, New York and an advisory member of the Asia Pacific region for Internet Corporation of Assigned Names & Numbers (ICANN). He

specializes in IPR, Internet & law & WTO studies. He is also the advisory member of the Patent Office of India and member of the ethics committee of Venture East –APVIDC venture capital fund. He has several International publications to his credit and is a resource person to TIFAC, ASCI, CII, and Indian School of Business, NRDC, FICCI and other important National Level Organizations.

P.V.S. Giridhar, *Legal Strategist*

P.V.S. Giridhar & Sai Associates, Advocates

Giridhar and Sai Associates has four partners, 10 associate lawyers, a strong para-legal and secretarial team. The firm, which specialises in Corporate and Civil law has associates and partners across India, and in several foreign countries. Giridhar specialises in Cross-border contracts, IP licensing contracts, Technology transfer, IP strategy, and Arbitration. Giridhar is also an accredited Mediator on the panel of the Madras High Court, and has several successful mediations to his credit. His firm has also diversified into cyber law including data protection and privacy issues on the web space, e-commerce and IT due diligence.



Service Model

Flexible, Focussed and Agile

At IP DOME we are aware that every client has specific IP needs that require customised, flexible, often multi-disciplinary solutions. We also realise that many companies need their IP strategists to provide market expertise, domain specific technology expertise and legal expertise combined with strong strategy-led business innovation support to succeed in the rapidly evolving market where they compete. We aim to support companies to achieve their business goals by providing much-needed assistance at the R&D phase, IP development and protection and commercialisation of IP.

Our response time is shorter than that of a typical law firm as we utilise in-house techno-commercial service; and unlike non-law IP firms, our close association with our Legal partners and strategists ensures that there is a seamless integration of the entire IP pipeline.

Advantages of our Service Model:

- ▶ Commercial and technical input at the R&D phase ensure that the IP is market relevant
- ▶ Domain specific IP services such as searching, mapping and landscaping to ensure that IP developed is patentable in the jurisdictions where the market is identified
- ▶ Strategic legal protection aimed at value enhancement anticipating profitable collaboration and market leadership
- ▶ Facilitation services for incubation, grants for refinement and production design, commercialisation and monetisation
- ▶ Seamless legal interface to ensure confidentiality and quick response in case of legal issues arising from infringement or freedom-to-operate
 - Claim analysis and litigation support
 - Licensing contracts and other legal instruments

“The IP DOME Team is passionate about growing people and businesses by creating awareness of intellectual property and its protection.

Swapna highlights the potential in others and believes that IPDome's growth is possible only by helping others grow.

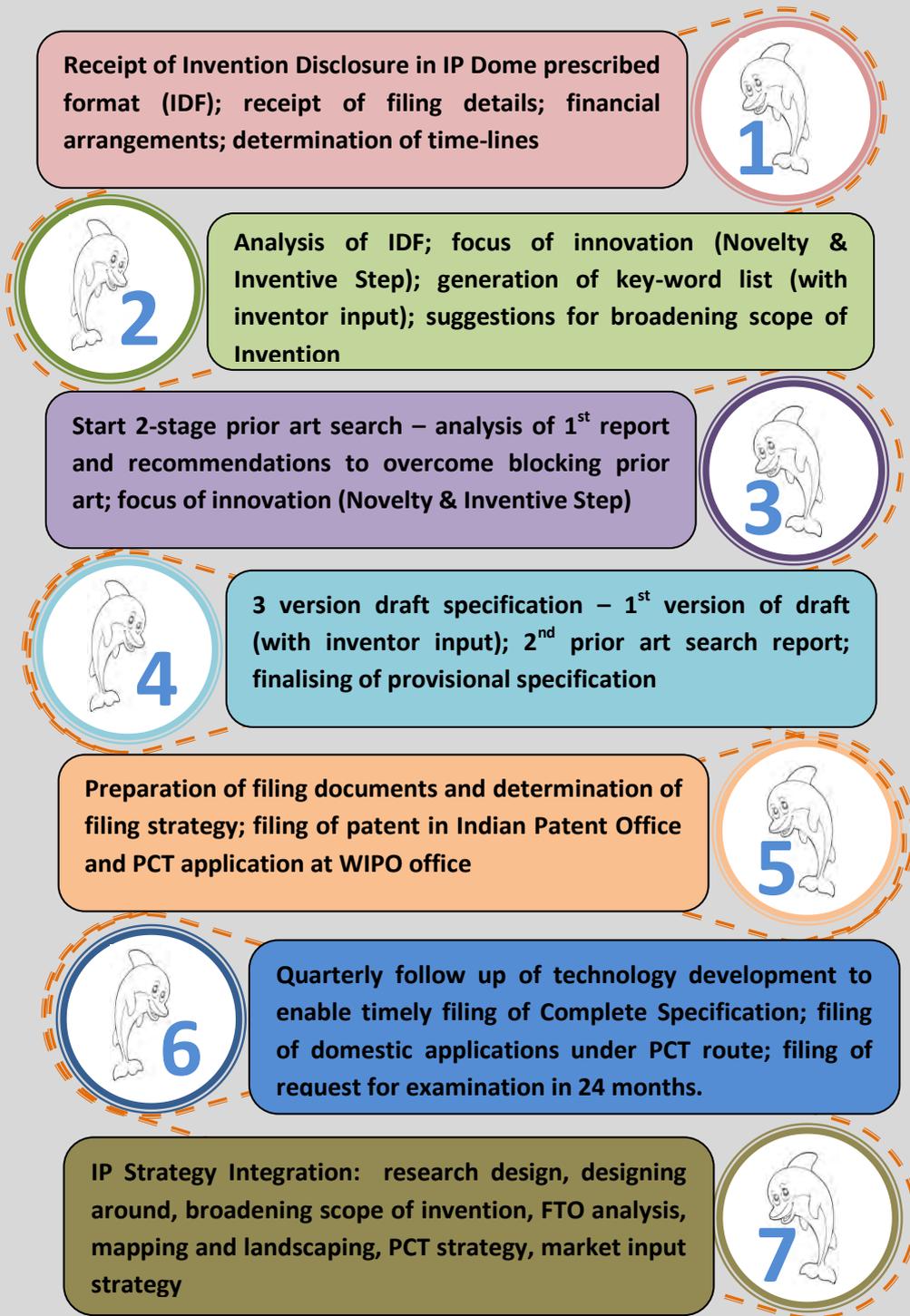
IP DOME connects to different groups of people – students, self-help-groups, SMEs – and works to impart knowledge, build confidence and provide clarity relating to legal aspects of intellectual property.”

... Sadasivan S, Personal Growth Consultant, Dr. T T Srinath's Management Consultancy



PATENT PROCESS CHAIN

Global and Comprehensive Risk Mitigation



“The Legal Department has had the pleasure of working with IP DOME and the set of experienced and well qualified Lawyers and Engineers. It is a focused and flexible team of experts in various technological domains as well as Intellectual Property Law (IP Law). This team also integrates a strong understanding of market reality.

Our observation has been that the response time for any query with them is short and they provide a well-researched and well documented strategy and analysis report. This helps us to make decisions confidently since the reports cover the gamut of the legal propositions, cautioning us on the practical difficulties that would arise, integrating solutions to the problems that would arise, while helping us make strategic decisions. They do not mislead on facts and have been extremely helpful in setting a process in place.

We wish them all the best.”

...Janaki C. Ambat, DGM
Legal, TAFE Pvt. Ltd.

IP DOME TRAINING

HOW WE TRAIN

Training in the use of IP increases effective use of in-house IP, due diligence in the use of 3rd party IP and innovation capacity among technical personnel



“Excellent seminar on IP in IT. The seminar was very informative. It helped me to educate my friends and colleagues on IP Protection and awareness.”

- VinothKumar.J
Software Engineer, Accenture

“From the IP Dome seminar sponsored by UNIDO, I learnt that IP protection must be in several layers. In IT, IP protection must be strategically implemented as the technology may become obsolete very quickly. Customers will be willing to buy high-quality well-branded goods even if the price is high. I thank IP Dome for the valuable learning.”

- SenitaP.Cuffy,
Testing centre administrator, Liberia

SERVICES

Addressing the needs of technical, marketing and finance executives in the understanding and use of IP

- IP mining and auditing
- Innovation pipelining
- IP strategy consulting
- Technology trend analysis
- Infringement analysis
- Market FTO analysis
- IP protection and monetitisation
- Facilitation services
- Corporate Training in IP

Experiential learning

Participation and interaction

Case Studies

Real -time problem solving

Implementation

Technology trend analysis

Hands-on tool training

Planning

Strategic innovation



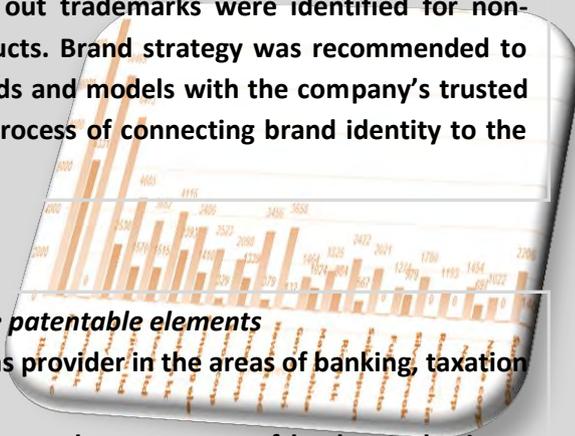
CASE STUDIES

1. Brand Strategy: Consolidation of brand – internal IP process

Profile of company: 60 year old company, Heavy-duty engineering vehicles and parts, annual turnover of US\$1.6Bn with presence all over India and export markets.

Issues: Consolidation of brand across the Indian sub-continent. The company has engaged in several collaborative designs and engineering projects with other Indian and foreign companies whose brands are being carried by the company's products. Older models are to be phased out while retaining the brand identity and customer trust.

Services rendered: Audit and rationalisation: unused and phased out trademarks were identified for non-renewal. Global brand trends were identified for the class of products. Brand strategy was recommended to ensure that the customers would recognise and associate new brands and models with the company's trusted older models. Internal IP processes were set up to streamline the process of connecting brand identity to the models and products in development.

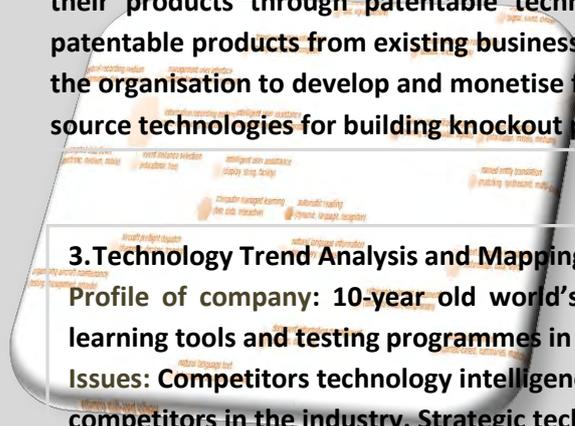


2. Innovation and R&D Strategy: Identification of novel and inventive patentable elements

Profile of company: 5-year old mid-sized consumer facing IT solutions provider in the areas of banking, taxation and innovative customer servicing technologies

Issues: A new and interesting business process was developed for use by customers of banks. As business methods and software are per se not patentable in India and copyright was found not to be sufficient protection, a patent had to be sought in India and a few other geographies.

Services rendered: R&D Pipelining and IP led Product Development: the research team of the company is been trained in IP led product development. Our techno-legal team was adapted by the company to differentiate their products through patentable technologies. An R&D strategy was recommended for developing patentable products from existing business processes. Domain specific innovation pipelines are created within the organisation to develop and monetise focused IP assets. Open source strategy was designed to select open source technologies for building knockout products in the development life cycle of the company.



3. Technology Trend Analysis and Mapping: Developing competitive intelligence report and IP mining

Profile of company: 10-year old world's leading learning and education company developing multimedia learning tools and testing programmes in the field of education and recruitment services.

Issues: Competitors technology intelligence research was proposed to examine the IP/market potential of the competitors in the industry. Strategic technology trend analysis and IP mining was required to restructure the product development plans within the organisation.

Services rendered: A detailed study was conducted on the existing patent portfolio of the organisation and taxonomy was developed from the relevant literature. Domain specific technology analysis was conducted and graphs were plotted to present various trends in the market. Patent-to-product search and analysis report was generated through patent mining which helped the company to understand the market potential of their IPs in various countries. Our technology mapping and competitive intelligence report has helped the company to understand the overall landscape and category wise patent trends.



Contact us

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www.ipdome.in

Visit our Blog: <http://newipcentury.blogspot.com/>

Guindy Office:

Altius, Regus Business Centre
Olympia Tech Park
SIDCO industrial Estate
Phone: 44-42994321

Strategy Consultation

Swapna Sundar

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Manager –IP Operations

Mobile: 09841730474

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Global IP Strategy

Challenges and Opportunities In the automotive cluster



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IP LED GROWTH IN THE AUTOMOTIVE MANUFACTURING SECTOR

agenda



**Introduction to
technology Transfer
IP Licensing
IP Valuation & IP Audit**

IP Commercialisation

**Case Studies on
IP Commercialisation
Appreciation of Revenue Models
IP Management**

HYPERTENSION

2013: 139 mn over the age of 25

23.1% of men

22.4% of women

15% of world's uncontrolled hypertensive population

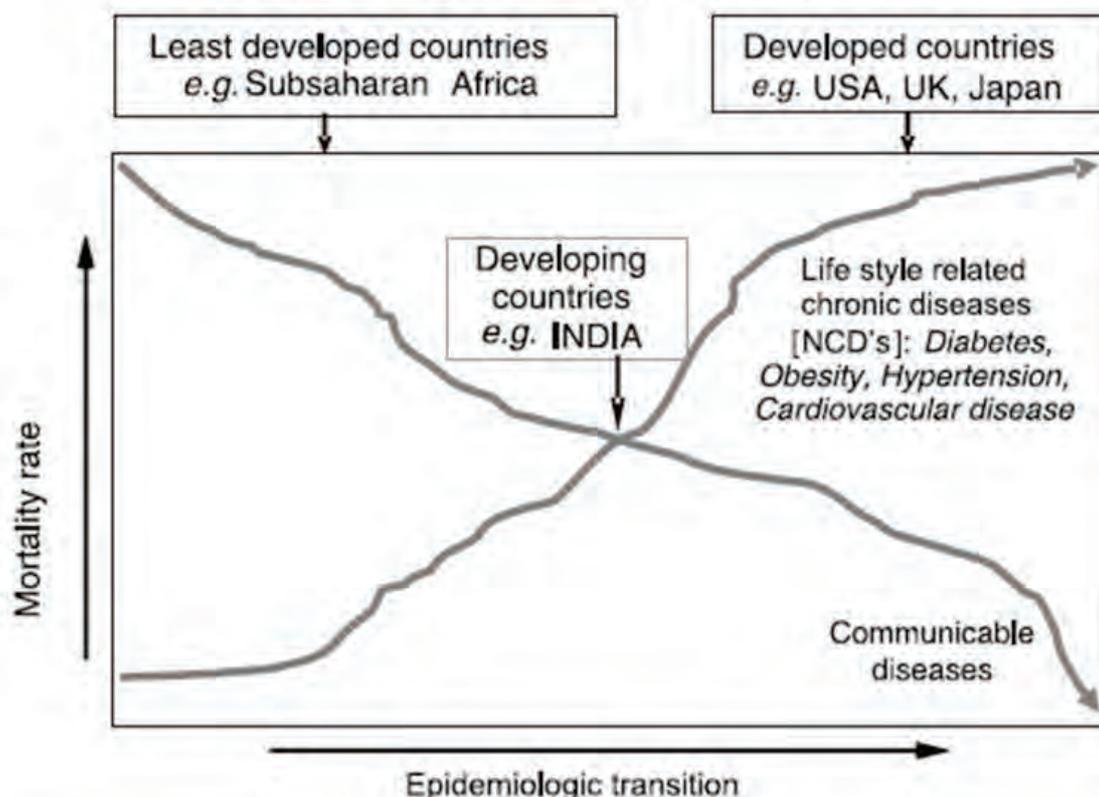
2025: 214 mn people

DIABETES

2011: 61.3 mn persons over the age of 20

2030: 101.2 mn

Epidemiologic transition of communicable vs noncommunicable disease



IDF Regions and global projections for the number of people with diabetes

Map: IDF Regions and global projections of the number of people with diabetes (20-79 years), 2011 and 2030



REGION	2011 MILLIONS	2030 MILLIONS	INCREASE %
● Africa	14.7	28.0	90%
● Middle East and North Africa	32.8	59.7	83%
● South-East Asia	71.4	120.9	69%
● South and Central America	25.1	39.9	59%
● Western Pacific	131.9	187.9	42%
● North America and Caribbean	37.7	51.2	36%
● Europe	52.6	64.0	22%
World	366.2	551.8	51%

SANOFI DIABETES 

IDF Diabetes Atlas 2011

The economic disease



66th in the Global Innovation Index

Highest investors in R&D control innovation

Top 20 patenting regions account for 50% of patent applications: USA, Japan, Germany, France, Korea, Netherlands, & China

High R&D investors adopt different innovation modes: co-invention, networks, partners, collaborators, open innovation.

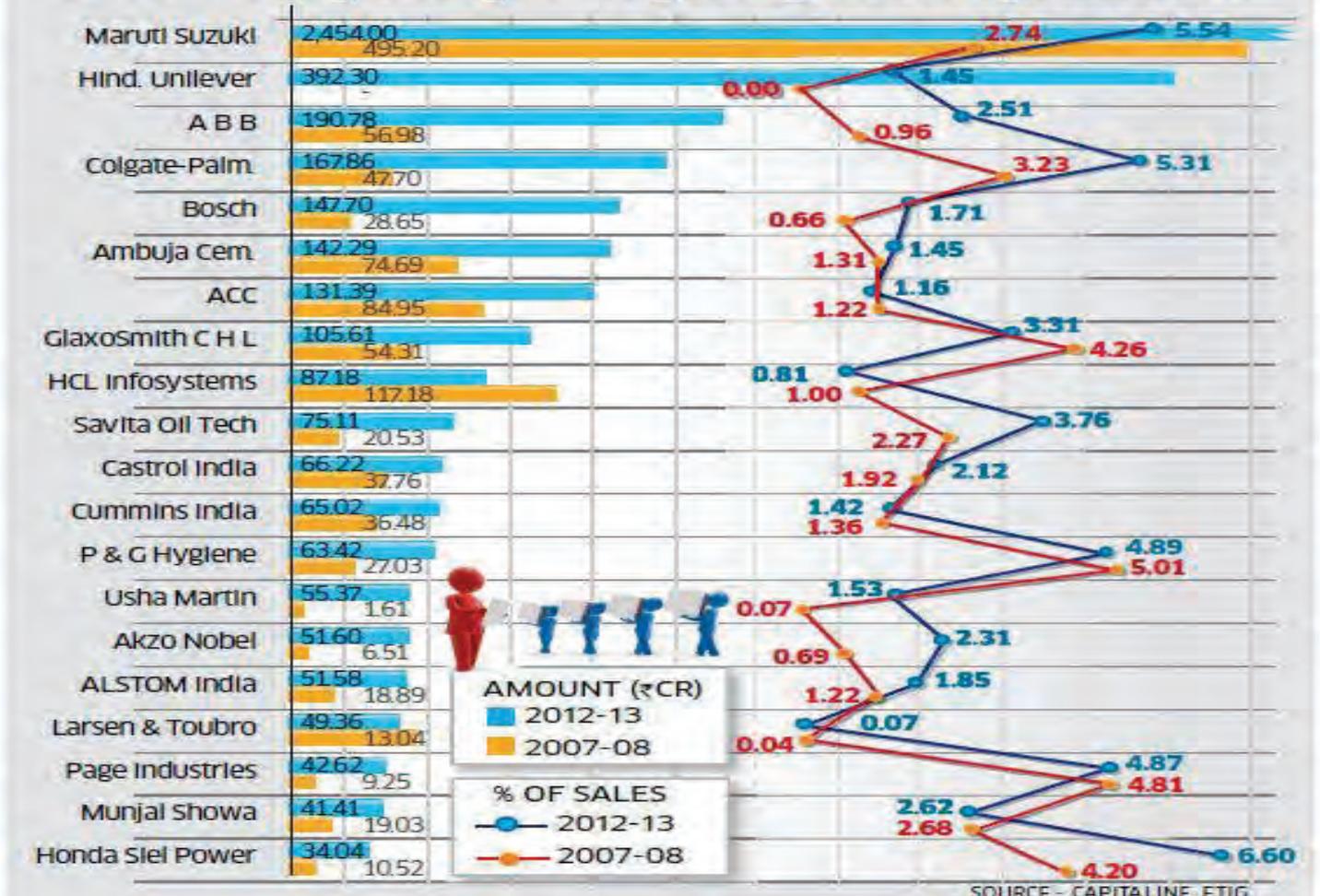
- Manufacturing?
- Are manufacturing countries fortunate?
- Are cheap labour, government subsidies still attractive? GDP peak
- How to face the economic downturn?

- Research, design & services?
- Are innovative countries fortunate to be losing manufacturing jobs?
- Is manufacturing innovation attractive?
- Does innovation suffer during the downturn?

- Critical component of value chain, often B2B
- Foresight on sector disruptions
- Agile and modern
- Rapid productisation
- Sector sustainability
- Growth and employment
- Shrinking life cycles

- Driving innovation, productivity & trade
- Consumption of services
- manufacturing and operations influence over R&D decisions
- ODM: right to innovation
- Focus on services
- Global innovation – local manufacture
- Track ideas and IP

TOP Royalty-Paying Companies



What **WORKS** better

DISRUPTIVE TECHNOLOGY



enterprise

Protect ideas

Competitive Edge

Asset

Consumer confidence

Non-linear revenue

IP ?

INDUSTRIAL DESIGN

©

PATENT

TM

GI

IP ?

Protect ideas

Competitive Edge

Asset

Consumer confidence

Non-linear revenue



- Essilor Innovation and Technology Center
- R&D Centers in Joint Venture
- ▲ R&D Laboratories in partnership



- Sauk Rapids (X-Cel Optical) USA
- Dudley Carbondale, USA
- Chihuahua, Mexico
- Manaus, Brazil
- Ennis, Ireland
- Sézanne, Dijon, Les battants, France
- Kibbutz Shamir (Shamir), Israël
- Shanghai, JiaXing (Chemilens), Danyang (ILT Danyang) / (Wanxin Optical), (Youli Optics) / (Seeworld Optical), China
- Bangkok, Thailand
- Nasu (Nikon-Essilor), Japan
- Marivelès, Laguna, The Philippines

Mass production sites



IP SMART WORKBOOK

The Lab to Market Guide to Inventing

By Swapna Sundar

*With a Foreword by Justice V. Ramasubramanian,
Madras High Court:*

"...a Smart Book as it has several tips and applications that match a smartphone. Swapna Sundar has filled the vacuum by introducing a smart guide that would serve both the scientific community and the legal fraternity and would bridge the gap between science and art."

Ms. Swapna Sundar has come with an excellent compilation with this publication of the Workbook. The workbook will be specifically useful in integrating the overall IP processes and practices in a technology development environment.

**-Dr. Anindya Sircar
IP Head, Infosys**

The author is the CEO of **IP Dome-IP Strategy Advisors**. IP Dome provides strategic business and IP service at the intersection of the Lab, the Law and the Market™.

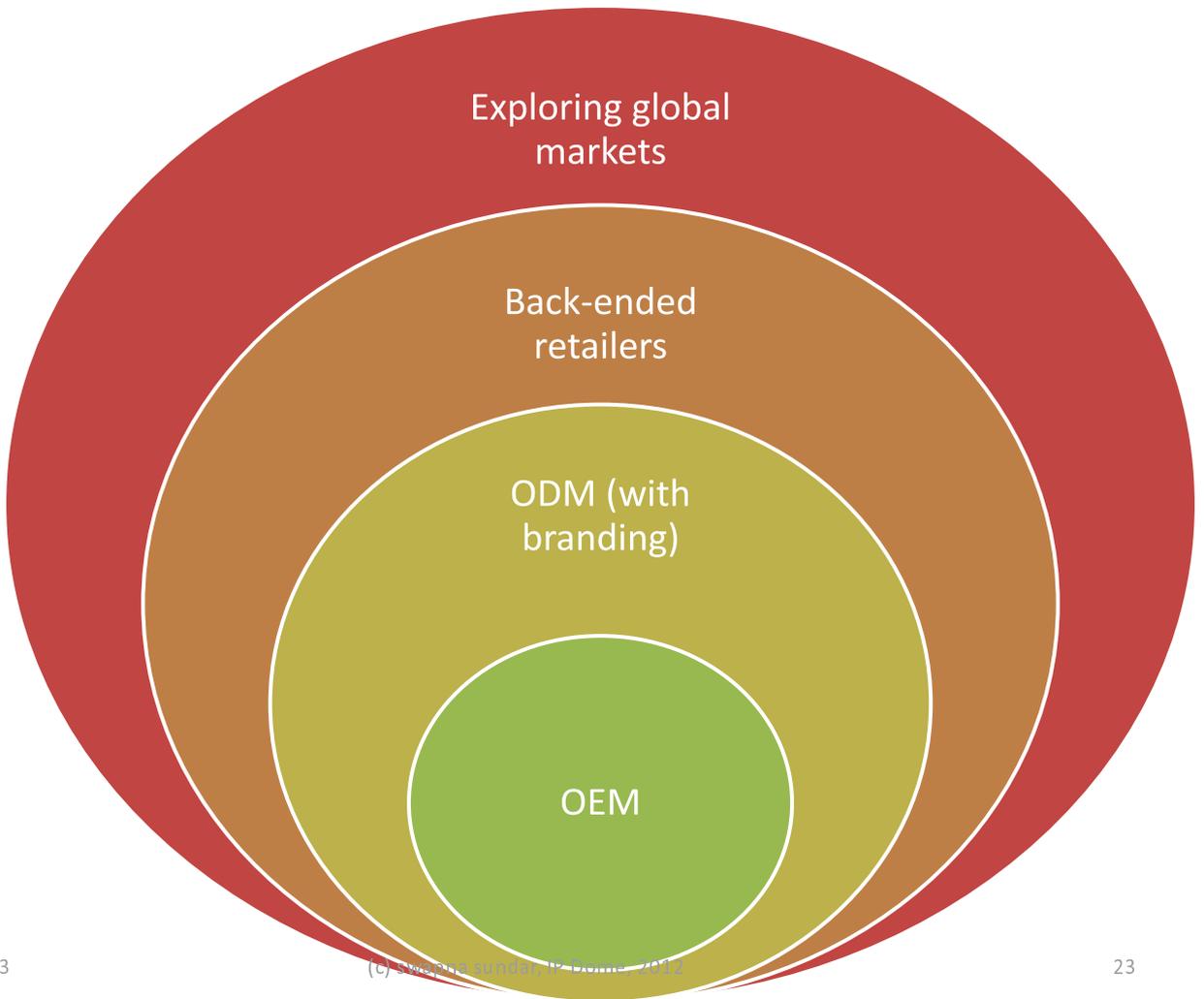
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Please visit us at www.ipdome.in



20-09-13

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23



Hyundai Story



means modernity in Korean

**Hyundai Auto Service in Seoul and repaired trucks for the US Army
The Hyundai Civil Works Co.**

**Hyundai began production of Ford Cortinas and Ford Granadas for
the South Korean domestic market from 1968 through 1976.**

**Hyundai, Daewoo, Kia and Ssangyong to submit detailed plans to
develop indigenous Korean cars by 1975**



Indian examples of closing the gap

VST Tillers Tractors Ltd incorporated in the year 1967 in Bangalore, India in technic Heavy Industrie manufacture of

In 1984, VST en collaboration w Japan for the r

The manufactu Industrial area

a built up area of 15,000 Sq. meters (approx). The company is coming up with a second manufacturing plant in Hosur.



h Mitsubishi for the

I financial / Company Ltd, : Tractor.

n Whitefield ers of land and

Several ways to make a car cheaper

No Radio, Power windows, air conditioning, anti lock brakes, air bags, remote locks or power steering.

Rear wheel drive: manually actuated 4-speed trans axle that gives the car better fuel efficiency

Wheel Bearing: Wheel bearing is strong enough to drive the car at 72kmph but would quickly wear out at higher speeds.

Analogue speedometer, odometer and fuel gauge.

Single windscreen wiper



Or...

...Understand taxation !

Cars shorter than 4 meter in length in India have considerably lesser excise duty as they are classified as 'Small Cars'. The Difference in excise duty is around Rs. 22,000 which can be transferred to customers



Tata Indigo CS:
Length 3,988 mm
Width 1,620 mm
Height 1,540 mm
Wheelbase 2,450 mm
Ground clearance 165 mm

Tata Indigo Manza 4.413 mts

Manza CS 42 cm shorter - will be achieved by cutting down space near the front grille of the car.

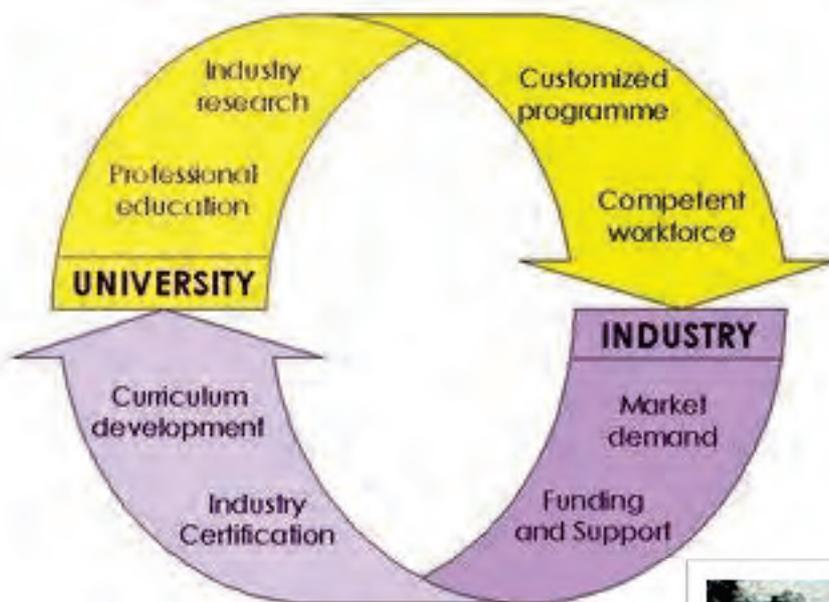
FUEL EFFICIENCY OF av.17kpl achieved through engineering design features:
Engine: 69bhp, 14.2kgm DiCOR engine

Concentration on reducing friction losses on the 1.4-litre DiCOR diesel.

Design changes in the cylinder head and sealing gaskets.

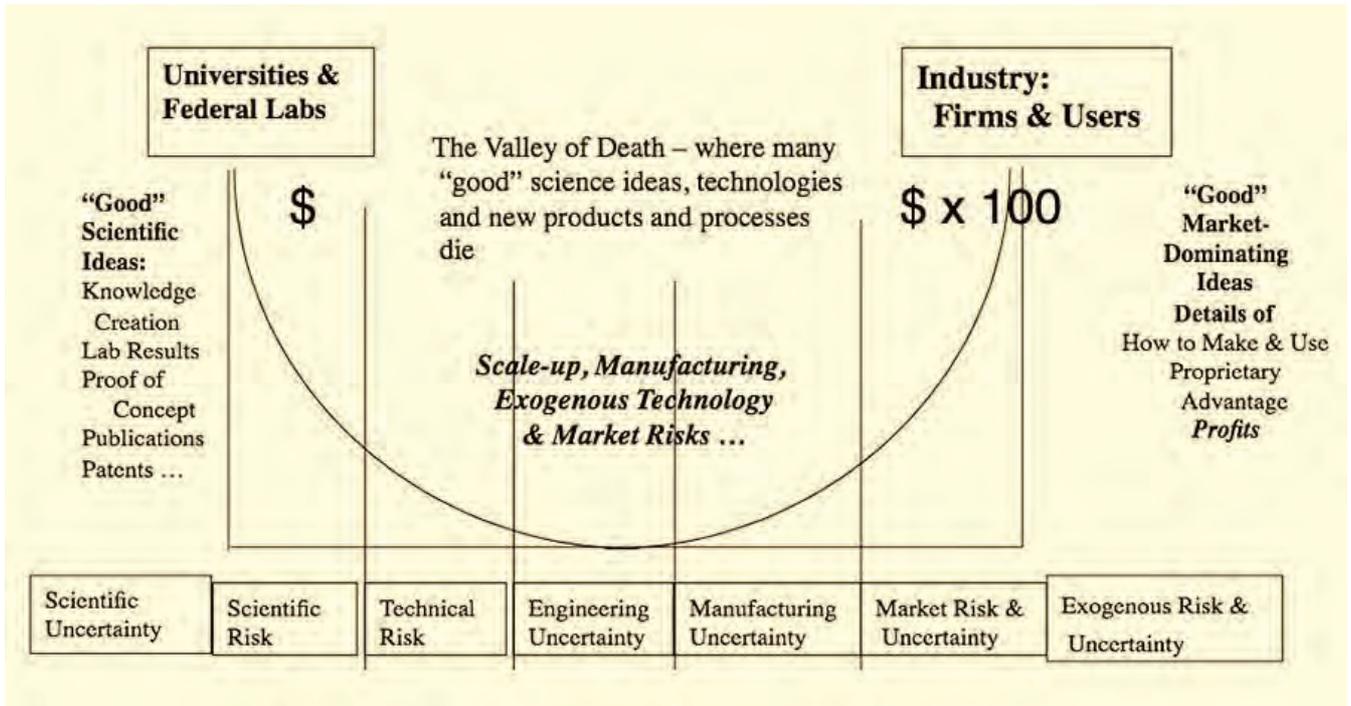
Improved camshafts and valves and an ECU re-calibration.

Tata's engineers have also paid keen attention to small things like wheel bearings; *and fitted the new e-CS with lower-rolling resistance tubeless tyres.*



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ANNA UNIVERSITY - CHENNAI







The network includes 19 branches which covers all the 19 districts, counties and hi-tech parks in Shanghai, providing services to local SMEs.

IG COLLEGE
 (Certified Institution)
 na University, Chennai
 n Road,
 i - 600 077

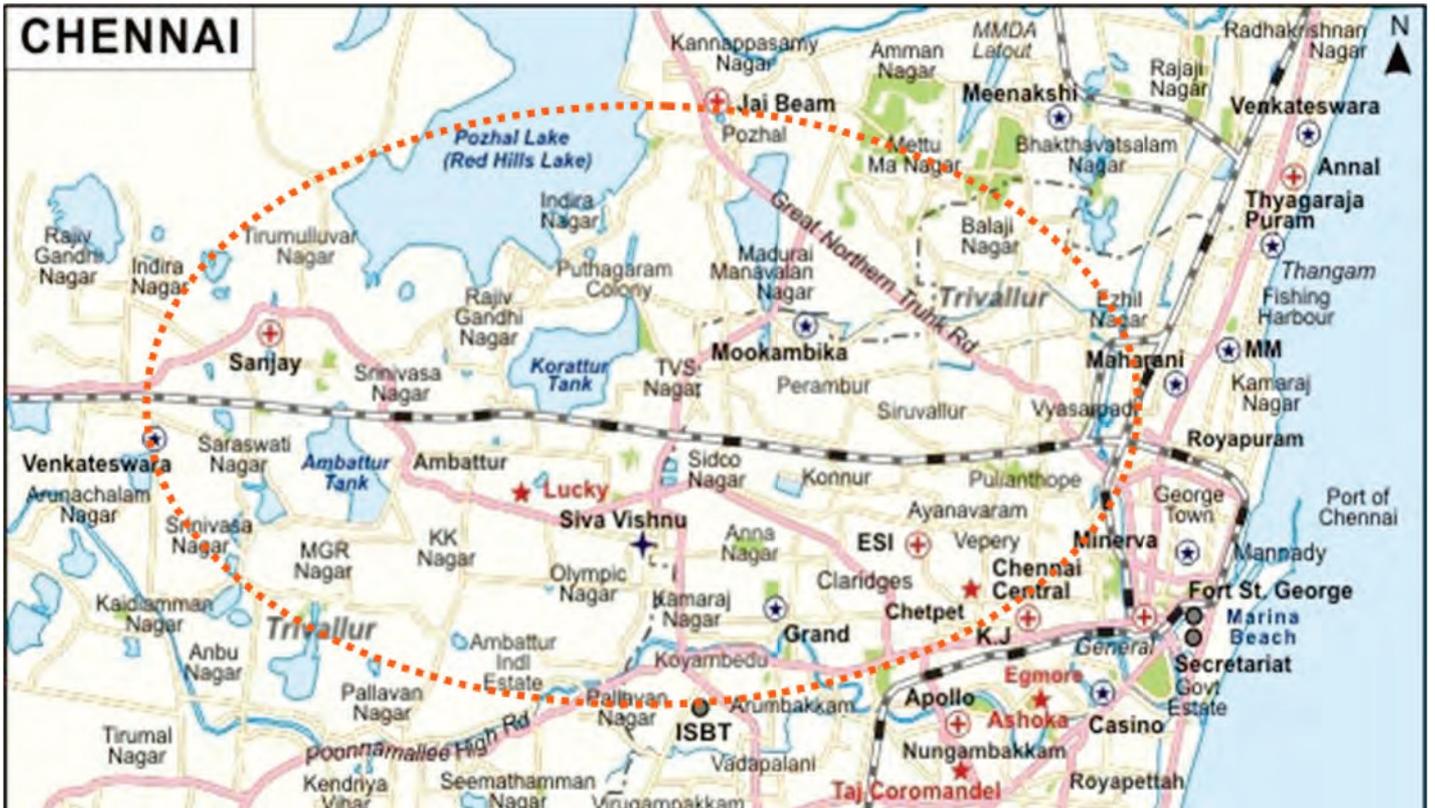
TE
 Strategy Advisors

**INAGURATION OF CENTRE FOR IPR & LEGAL CELL
 AND SIGNING OF MOU
 &
 National Level FDP
 (Winter School)
 On**

Innovation, Research & IPR

Date: 10.01.2013

Welcome You A

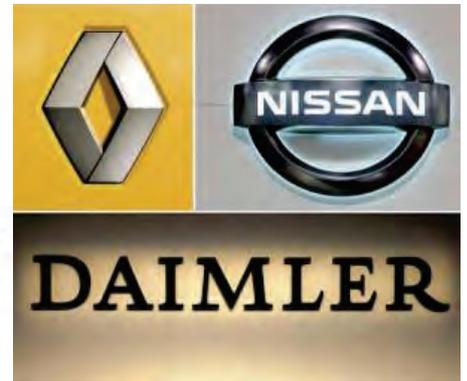


Global Strategy





The largest economies of scale are always global.



pulse/micra

Sunny/scala

Thank you for your attention

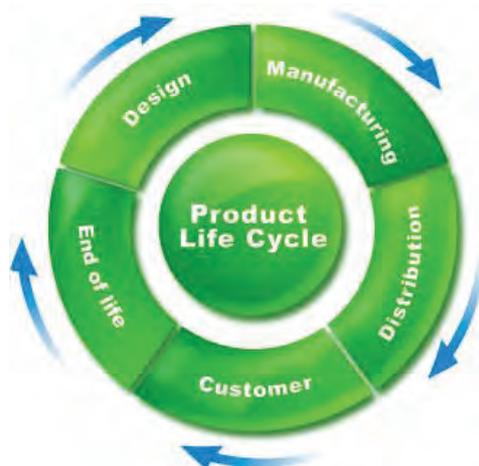
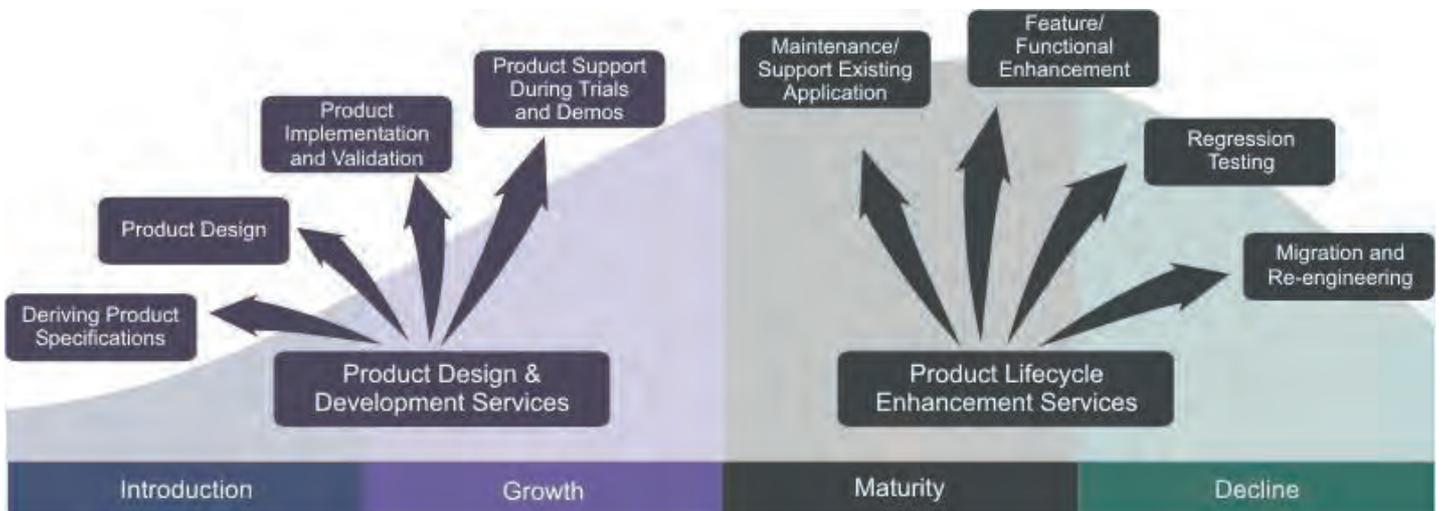
Please feel free to contact me at:
swapna@ipdome.in



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No. 7/8 Flowers Road II Lane
Purusaiwalkam, Chennai 84
www.ipdome.in

Need, Importance & Benefit of Intellectual Property Rights to Business

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Every Business has Intellectual Creation

- Product or service
- Technology or process
- Shape or look of product
- Brand or Logo
- Customers List
- Product Literature
- Website & Software Requirements

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Intellectual Property

- Property Created
- Through Intellectual Creation
- Is Afforded monopoly
- Limited or Perpetual under the
- Statutes or Equity

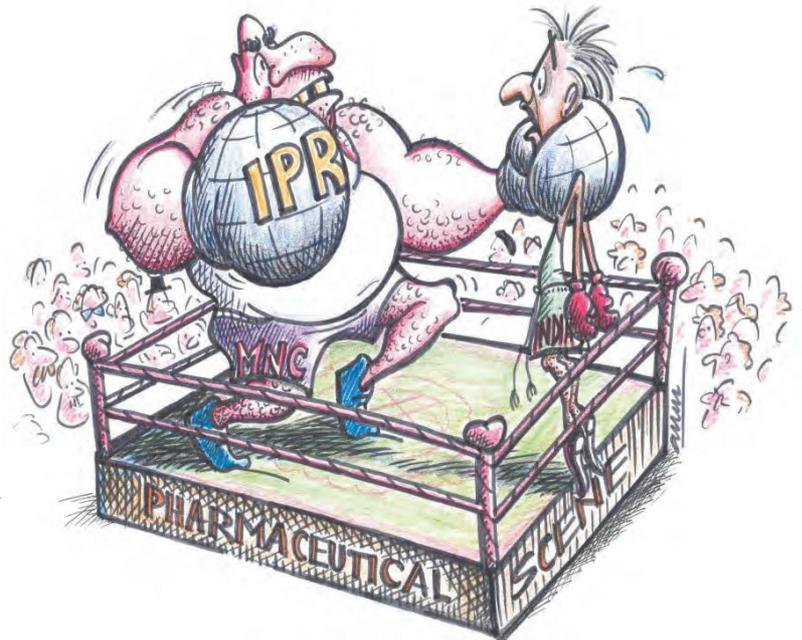


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Scope of Intellectual Property

- Why need IP ?
- Forms of IP
- Modes of Protection



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Forms of Intellectual Properties

- Trademarks: Brands
- Patents: Inventions
- Industrial Designs: Aesthetics of Products
- Copyright: Art, Books, Software, Music
- Geographical Indications: Origins
- Trade Secrets: Formulae, Know-How's
- Confidential Information: Data such as client list
- Domain Name: Website

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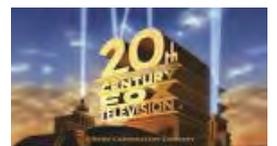
Trademark : Relevance to Business

- Distinguishes SOURCE
- Image and Reputation
- Trust – Loyal Clientelle - Goodwill
- Marketing Tool

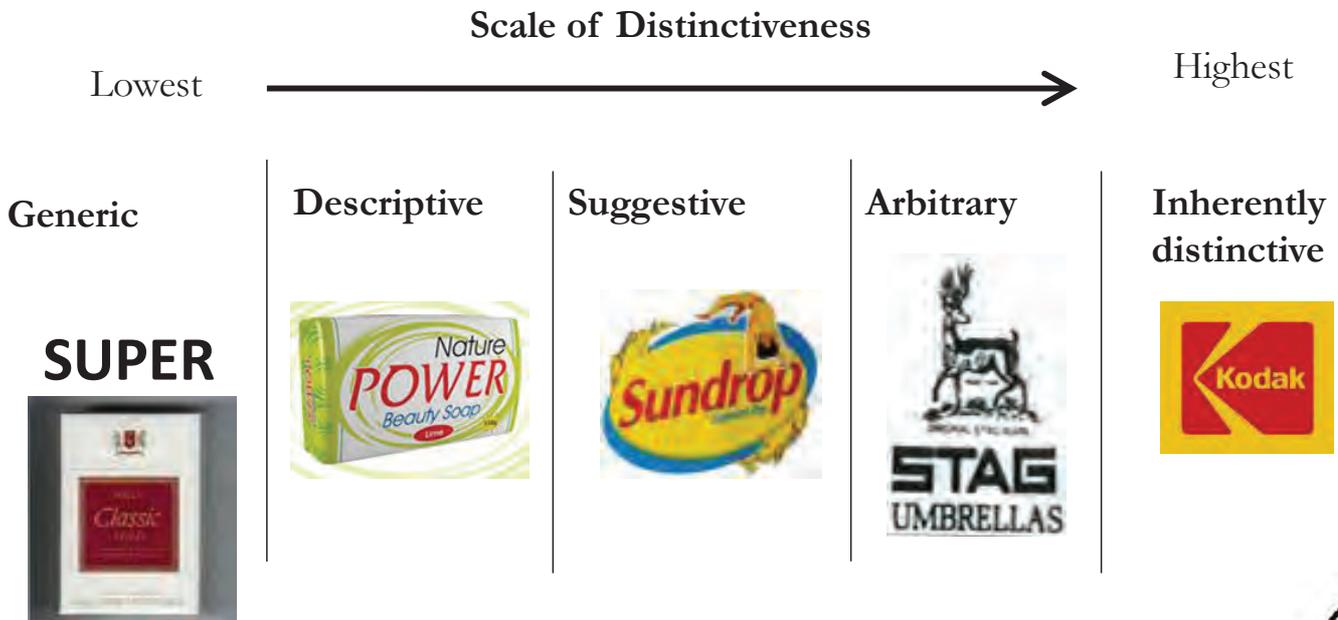


Trade mark

For Consumer – Brands Helps Choice in a Crowded Market Place



Choice of a Trademark



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Trademarks

For Business – Helps Positioning, Reach, Identity & Range of Products and Services

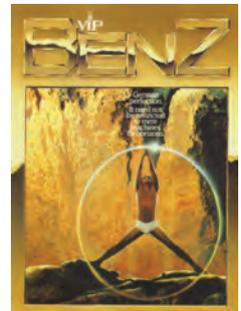


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Trademark Protection

- Exclusive Right to use the trademark
- Word or Logo or Shape or even sound
- Set of
 - goods or
 - services
- Perpetual maintenance
- Stop
 - Identical or Similar Marks for
 - Same or Different Set of Goods
- Peacefully Coexist



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PATENTS & DESIGNS IN INDIA

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PATENTS GRANTED FOR THE APPLICATION OF A PRINCIPLE AND NOT FOR THE PRINCIPLE ITSELF

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PATENT : THE RIGHT

- Prevent others from
- Making, Using, Offering for sale, selling or importing the
 - Patented Product or
 - the product obtained directly by the Patented Process
 - For a period of 20 years
 - Renewal has to be filed annually



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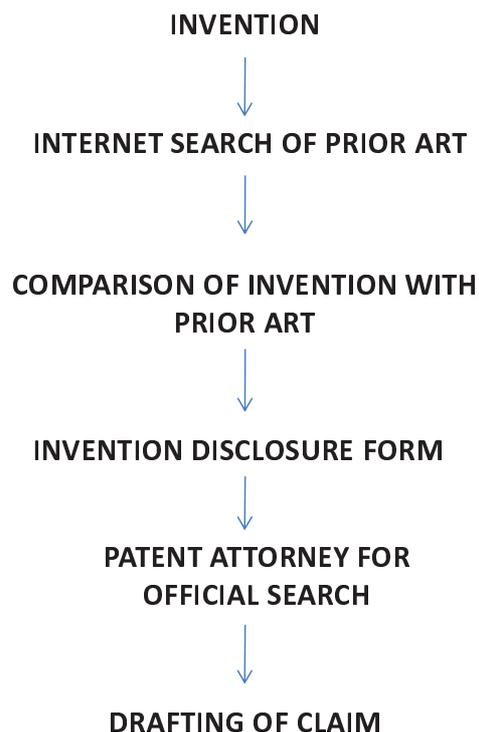
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PRE-PROTECTION MEASURES

- Step 1: Clearly understand your invention
- Step 2: Conduct a prior art search
- Step 3: Re-assess your invention in view of prior art
- Step 4: Draft patent application
- Step 5: File patent application

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PRE FILING STAGES



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INVENTION DISCLOSURE FORM (IDF)

- DESCRIPTION OF THE INVENTION:
 - What the invention aims to achieve?
 - What is the invention all about?
 - How does the invention work?
 - Process: the steps of the process,

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INVENTION DISCLOSURE FORM (IDF)

- DESCRIPTION OF THE INVENTION- CONTD...
 - Product: constituents and way of making,
 - Machine/plant: components and their interconnection.
 - ***Focus on novelty.***
 - ***Support from drawings, figures etc.***

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INVENTION DISCLOSURE FORM (IDF)

- **Uses, Applications and Benefits:**

- Uses in the specific field,
- Other foreseen uses.
- Advantages of the invention.

- **Disadvantages and Limitations:**

- For Attorney's Understanding.

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INVENTION DISCLOSURE FORM (IDF)

- **Experimental Data:**

- Very important in chemical cases.
- To prove the invention and illustrate the advantage.
- To illustrate ranges and embodiments and their effect on results.

- **Identification of Inventors and Applicant:**

- Full Name
- Address

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PATENT LAWS IN INDIA

- Patents Act, 1970
 - branched off from old Patents and Designs Act, 1911
 - *Major amendments since 2005 – from process patent regime to product patent regime for Pharmaceutical Inventions (complying with TRIPS)*
 - *Supported by Patents Rules, 2003 with fee schedule and forms*

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PATENT LAWS IN INDIA-CONTD...

- Excludes a list of inventions which are not patentable (Section 3)
- Recognizes '**First to file**' System
- Procedure for filing , including PCT Applications
- Term of Patent – **20 Years**
- provides for pre-grant and post grant oppositions; revocation of patent under certain grounds
- reliefs against infringement ,etc.

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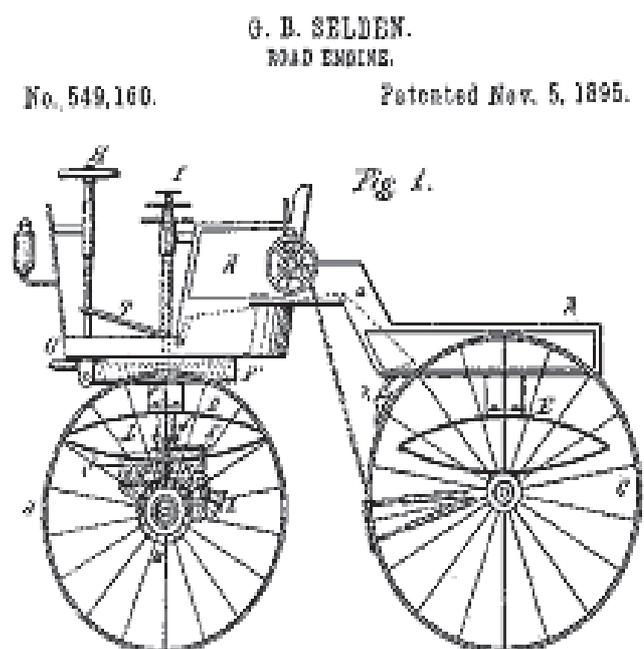
CASE STUDIES

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CASE STUDY 1

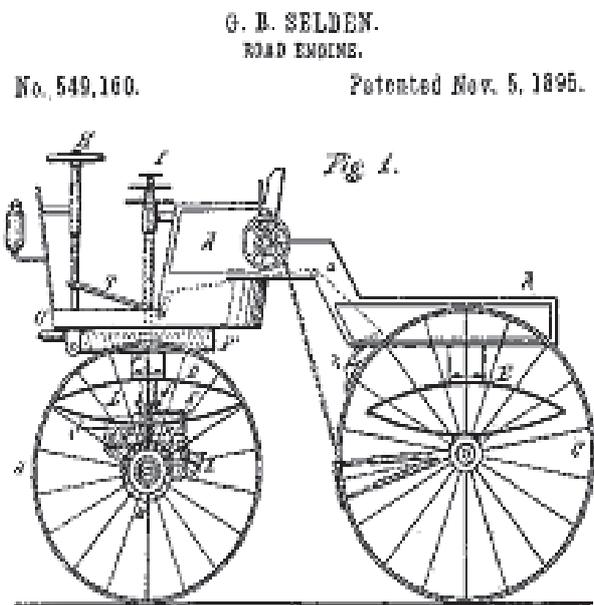
ROAD-ENGINE

- [U.S. Patent No.: 549160](#)
- Inventor: George B. Seldon
- Date: 5th November, 1895



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CASE STUDY 1



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- This patent was one of the first automobile related patents ever granted.
- Inventor took inspiration from other, larger engines, and created a much smaller and lighter version.
- He constantly updated his invention, and it took him **16 years of amendments** before his application was granted.
- The **object** of his invention is the production of a safe, simple, and cheap road-locomotive light in weight, easy to control, and possessed of sufficient power to overcome any ordinary inclination.

CASE STUDY 1



- Although he had no interest in manufacturing his invention, he was very interested in benefiting from it.
- Under threat of suit, almost all of the manufacturers took out licenses from Selden, or from the Association of Licensed Automobile Manufacturers (ALAM), to whom he sold the patent.
- In fact, on most cars built during the next ten or fifteen years you will find a small brass plaque reading
- ***“Licensed under Selden Patent.”***

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CASE STUDY 1



- But there was just one holdout, a young manufacturer named **Henry Ford**.
- Selden sued him for patent infringement.
- New York judge ruled that the patent was valid in 1909. The ruling was overturned by the Court of Appeals two years later.

It was such a famous and controversial case that Ford went on to state that:

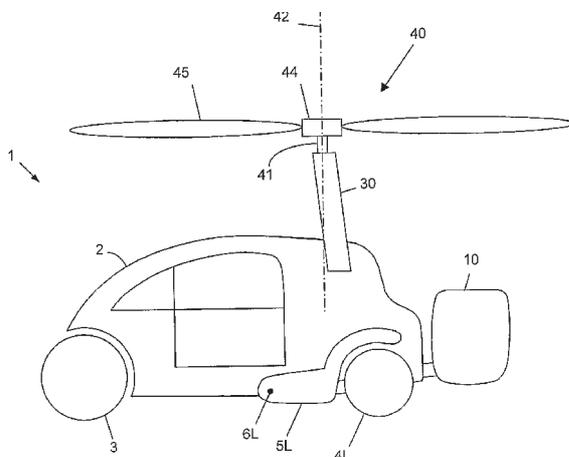
“Probably nothing so well advertised the Ford car and the Ford Motor Company as did this suit!”

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CASE STUDY 2

PAL-V

Personal Land and Air Vehicle



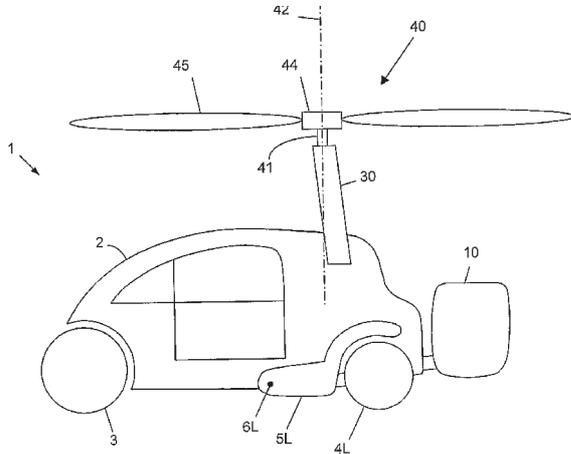
- [U.S. Patent No.: 7,931,230](#)
- Inventor: **Jan Willem Dan Baker**
- Date: 26th April 2011
- Assignee : PAL-V Europe NV

CASE STUDY 2

PAL-V

OBJECTIVE :

to provide a vehicle which is suitable for comfortable road traffic with a suitable speed, and which can easily converted into air-vehicle, for take-off and landing at virtually any location.



a

CASE STUDY 2

PAL-V



- On the ground the vehicle drives like a sports car.
- The push of one button raises its rotor mast while another extends its tail into flying position, giving drivers/pilots the possibility of speeding down a highway one hour and soaring over civilization the next.
- WANNA SEE THE TEST DRIVE ?
- <http://www.youtube.com/watch?v=SgHSaNtAMjs>

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CASE STUDY 2



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PAL-V

- **Estimated Price:** \$250,000
- **Powerplant:** 230-horsepower engine
- **On land:** maximum speed 112 mph; 28 mpg; range 750 miles
- **In the air:** cruising speed 68 mph; range 220-315 miles
- **To be launched : In the year**
2014!

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PRIOR ART SEARCHING

- Patents
- Scientific Journals and Publications
- Online resources
- Educational Books
- Common knowledge in the art

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SEARCH AIDES-Examples

- Indian Patent Office website:

www.ipindia.nic.in

- US Patent Office:

www.uspto.gov

- European Patent Office:

www.espacenet.com

- Japanese Patent Office:

www.jpo.go.jp

- General search : Google, Science and Technical Journals



DEVELOPING A PATENT STRATEGY FOR AN INVENTION

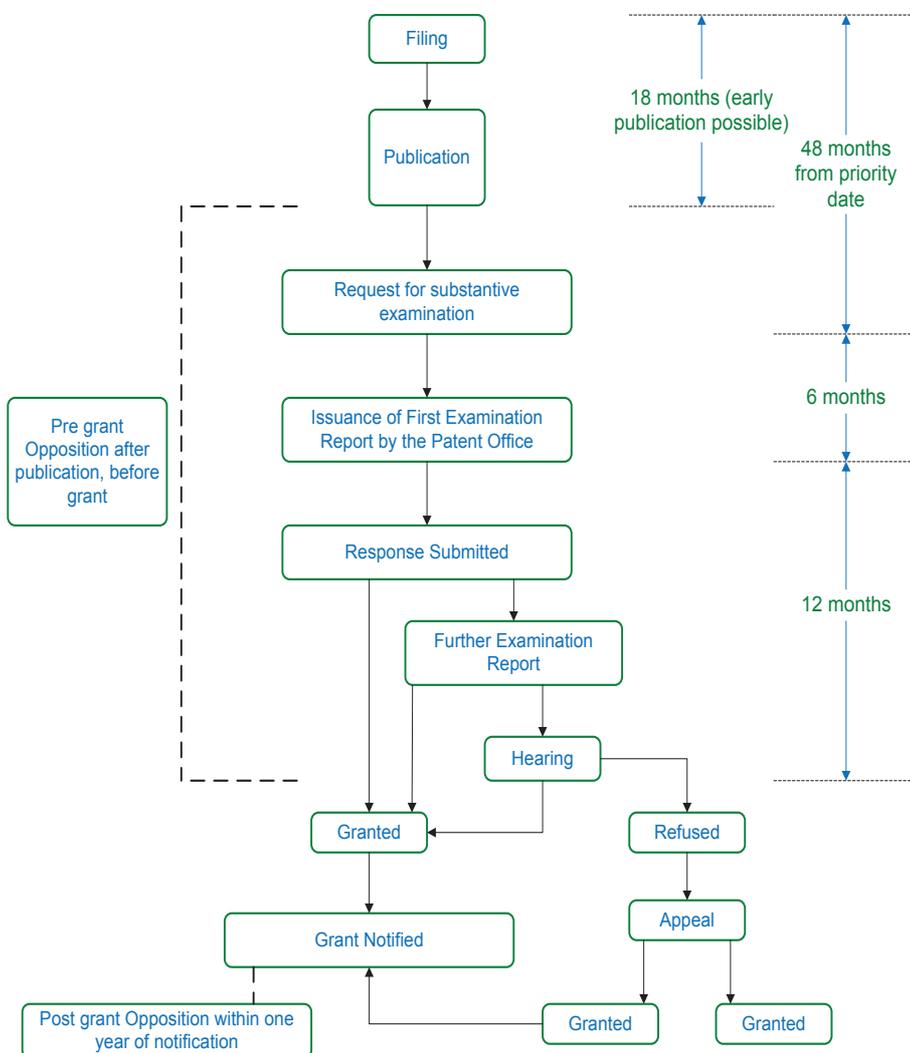
- What is the invention?
 - researchers typically wanting to claim invention which is broader than the invention
 - cover alternate embodiments
 - to consider this issue both before and after a search of prior art is conducted



DEVELOPING A PATENT STRATEGY FOR AN INVENTION

- What is to be achieved by filing of the patent application?
- What additional information is needed for patent application?
- Who is going to develop the information for the patent application?

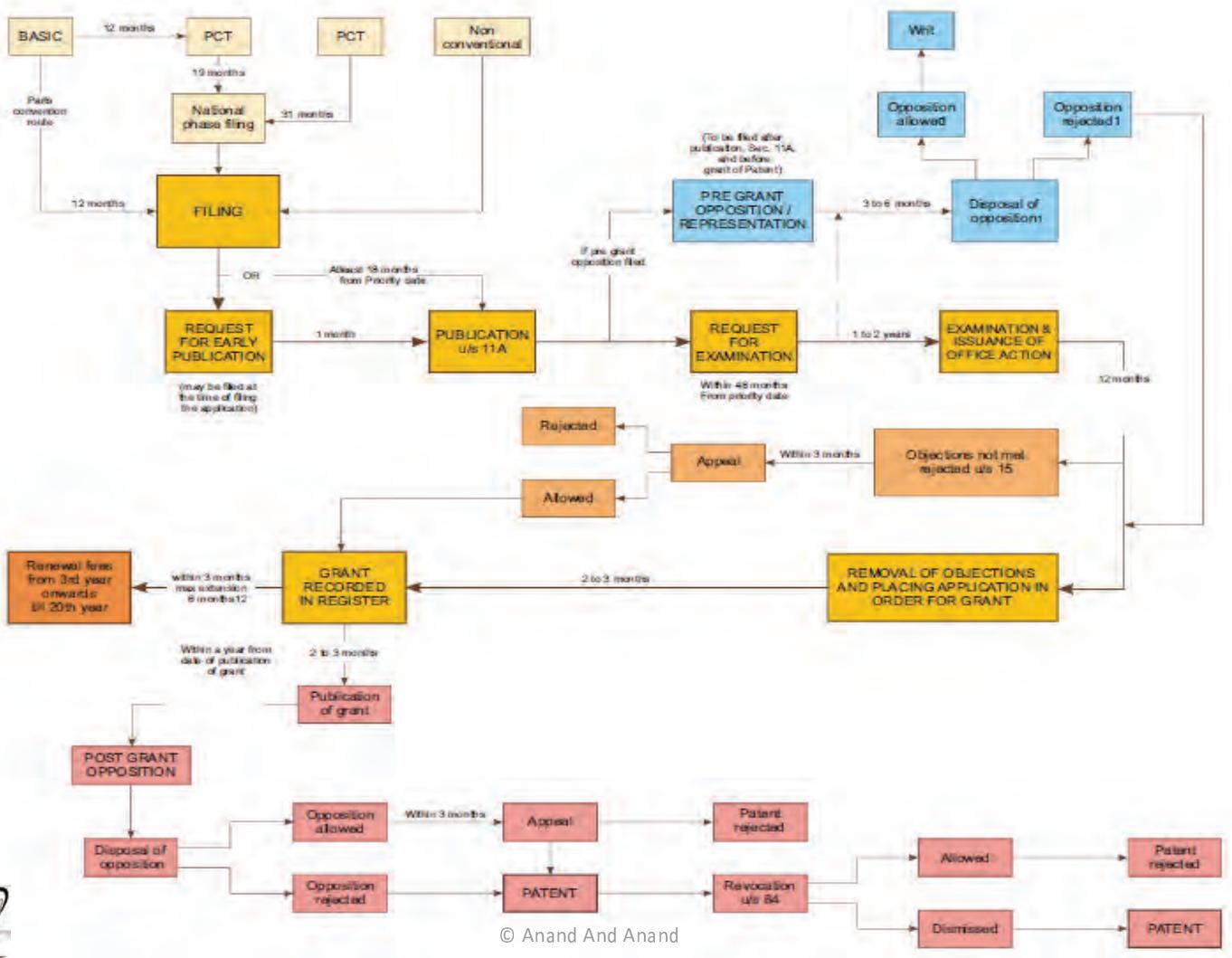
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INDIAN PATENT PROCESS

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DESIGNS

a

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DESIGNS

- Appeal to and judged by the Eye
- Shape or Configuration,
- Pattern,
- Ornament of
 - composition of lines
 - composition of colours
- 2D or 3D
- Applied to any Article

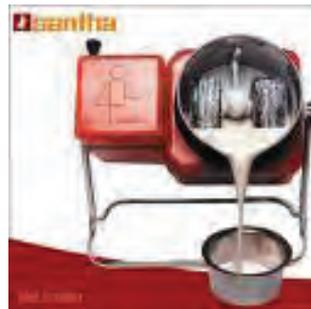


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DESIGN- REQUIREMENTS FOR REGISTRATION IN INDIA

- by Industrial process
 - manual
 - mechanical or
 - chemical
- New or Original
- Not Disclosed in any part of world
- Functional designs not registerable



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ORDNANCE CLOTHING FACTORY, AVADI

COPY RIGHT CAUTION NOTICE



Cloth PC Disruptive with Army Logo
(Jungle Pattern)
Design No 205119 dt. 07.07.2006



Cloth PC Disruptive with Army Logo
(Desert Pattern) Design No 207657 dt. 02.01.2007

We, ORDNANCE CLOTHING FACTORY AVADI, under Ministry of Defence, Government of India, having office at Avadi, Chennai – 600 054 are the exclusive proprietor of the Design of Cloth PC Disruptive with Army Logo [Jungle Pattern (Design No. 205119 dt.07.07.2006) & Desert Pattern (Design No. 207657 dt.02.01.07)] depicted herewith.

By virtue of entrustment from Indian Army, Design of Cloth PC Disruptive with Army Logo (Jungle Pattern & Desert Pattern) have come to be vested and identified with us to the exclusion, of all others in respect of textile fabric for exclusive use against requirements of INDIAN ARMY. Our designs have acquired good reputation from INDIAN ARMY. We, therefore, have exclusive right to use the aforesaid designs in respect of Textile Fabrics.

We are the proprietor of the above designs under Designs Act 2000 & Design Rules 2001 contained therein and the aforesaid designs are our intellectual property.

Notice is hereby given to all concerned that unauthorised use of the design or a deceptively/confusingly similar design or imitation of the design by any person, firm or company in respect of their goods or services would amount to infringement of our copyright in the aforesaid designs and liable for legal proceedings under Designs Act, 2000.

We, hereby caution that we shall take civil and criminal action against unscrupulous persons, firms, companies, etc., who may be found to imitate our aforesaid designs or pass off their goods, business and services as end for our goods, business and services by use of such imitative design without further notice.

Textile manufacturers, Traders and public are hereby requested to cooperate by bringing to our notice of any misuse or attempt to use imitative designs resembling the designs depicted above.

THE GENERAL MANAGER, ORDNANCE CLOTHING FACTORY, AVADI
CHENNAI – 600 054, MINISTRY OF DEFENCE, GOVERNMENT OF INDIA
Fax: 044- 26381701, Phone: 044- 26365000, e-mail: ocfav.ofb@nic.in

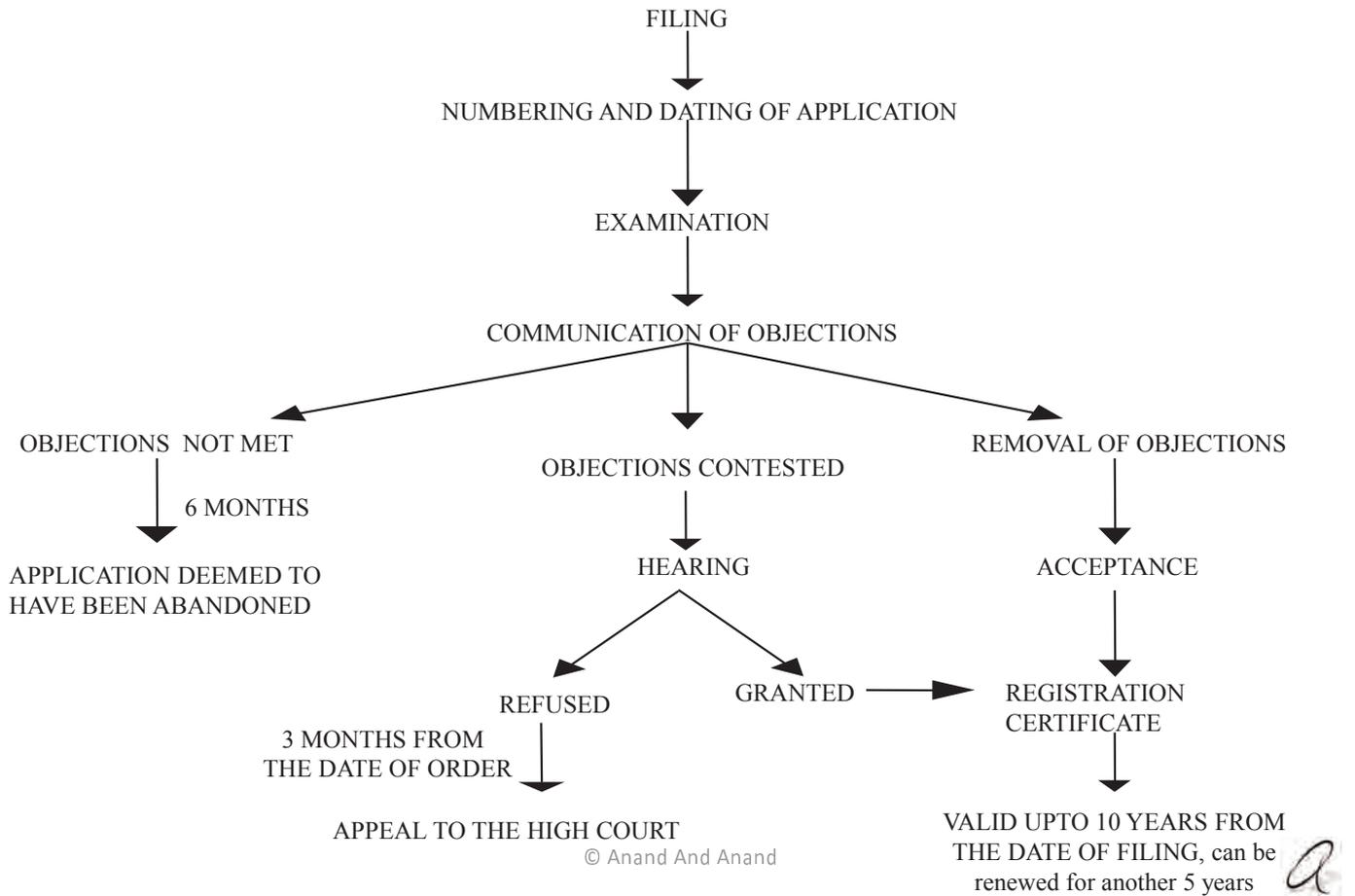
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DESIGN LAW IN INDIA

- The Designs Act, 2000
 - earlier – Patents and Designs Act, 1911
 - term – **10 + 5 years**
 - supplemented with Design Rules, 2001 with fee schedule, forms and List of Classification
 - provides for reliefs against ‘piracy of a registered design’

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DESIGN REGISRTATION PROCESS



Yamaha



Yamoto



Problem Areas

Features which are solely dictated by their functions are not registrable

Dispenser



Illustrations of Registered
Designs

AEROPLANE



FRONT PERSPECTIVE VIEW I



SIDE PERSPECTIVE VIEW I

Shape, Configuration and
Surface Pattern Protected
Under Registered Design No.
165581

AUTOMOBILE



FRONT VIEW



REAR VIEW

Shape, Configuration and
Surface Pattern Protected
Under Registered Design No.
178089

Design Infringement Cases



Plaintiff's product

Registered design no. 194631

Date of Filing : 23.02.2004



Defendant's product

Registered design no. 198624

Date of Filing: 01.03.2005

Vikas Jain Vs Aftab Ahmad & others

Interim injunction granted in favour of Plaintiff

IRIZAR



Spanish Design
Regn



•Indian Design Regn

•Appl Filed without
Priority Claim

•Indian Regn invalid

•Launch prior to
Indian Application

•Rectification Filed

•Suit Withdrawn

**SWARAJ
MAZDA**



Copyright subsists in works such as



• **Literary** Book, Software, Database, Table, Compilation

• **Dramatic** Drama, Recitation, Choreophy, Ballet (Not a Film)

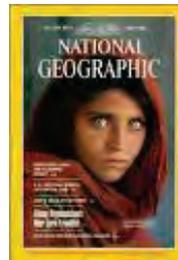


• **Musical** Music – different from song or words therein



• **Artistic** Painting, Sculpture, Drawing, Engraving, Photograph, Architecture, Artictic craftsmanship

• **Cinematograph Films**



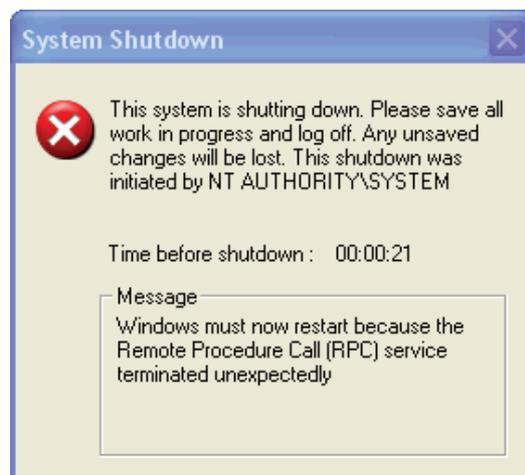
• **Sound Recording**



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Software Requirements:

- Legal Software
- Open Source



Geographical Indication

- Community Right
- Indicates Origin or manufacture
- In a territory or region or locality
- Quality, reputation, other characteristics
- Essentially Attributable to
 - Geographical origin
 - Manufacture Goods



- Production, Process, Preparation
- Takes place in that area

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Confidential Information & Trade Secret

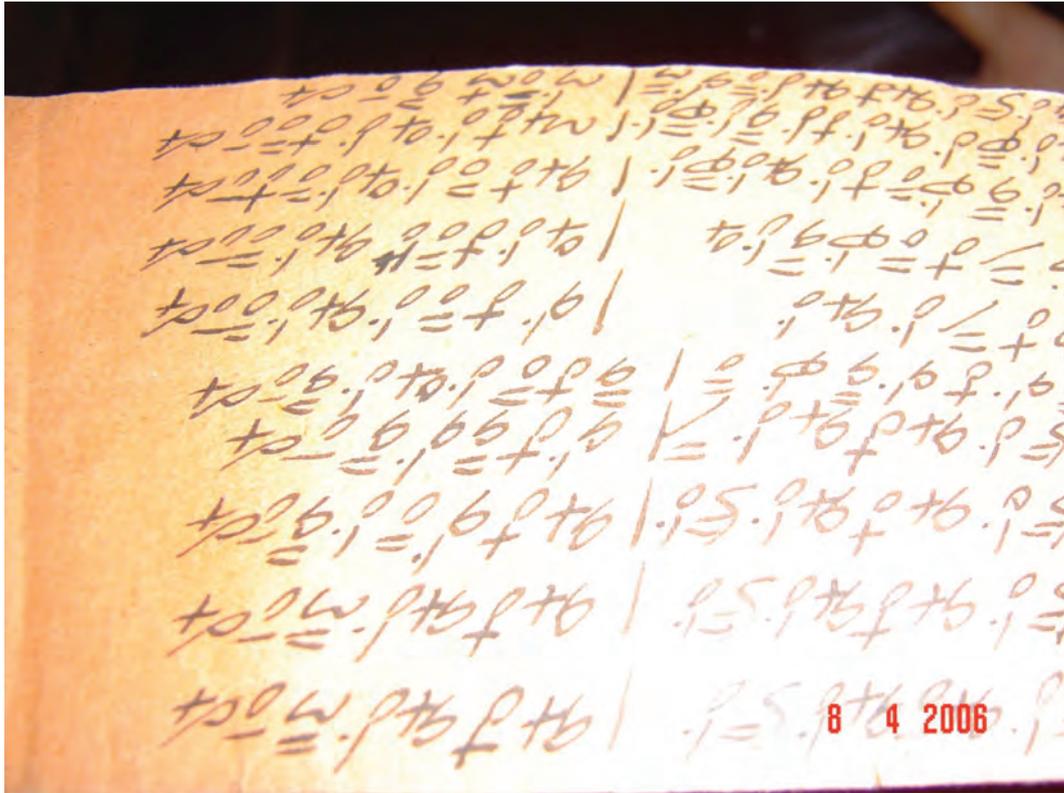
- Undisclosed information
 - Formulae, Know How
- No Statute
- Agreements
 - Fiduciary Duty – Employee
 - Tort



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The Secret



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The Process



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The Product



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Swayamvar – The Case



THE TIMES OF INDIA | **THE TIMES OF INDIA** | News & Interviews

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Sony asked to put *Shubh* Sony stopped from airing <I>Shubh Vivah</i>

TNN, Mar 7, 2002, 11:21pm IST PTI, Mar 7, 2002, 04:14pm IST

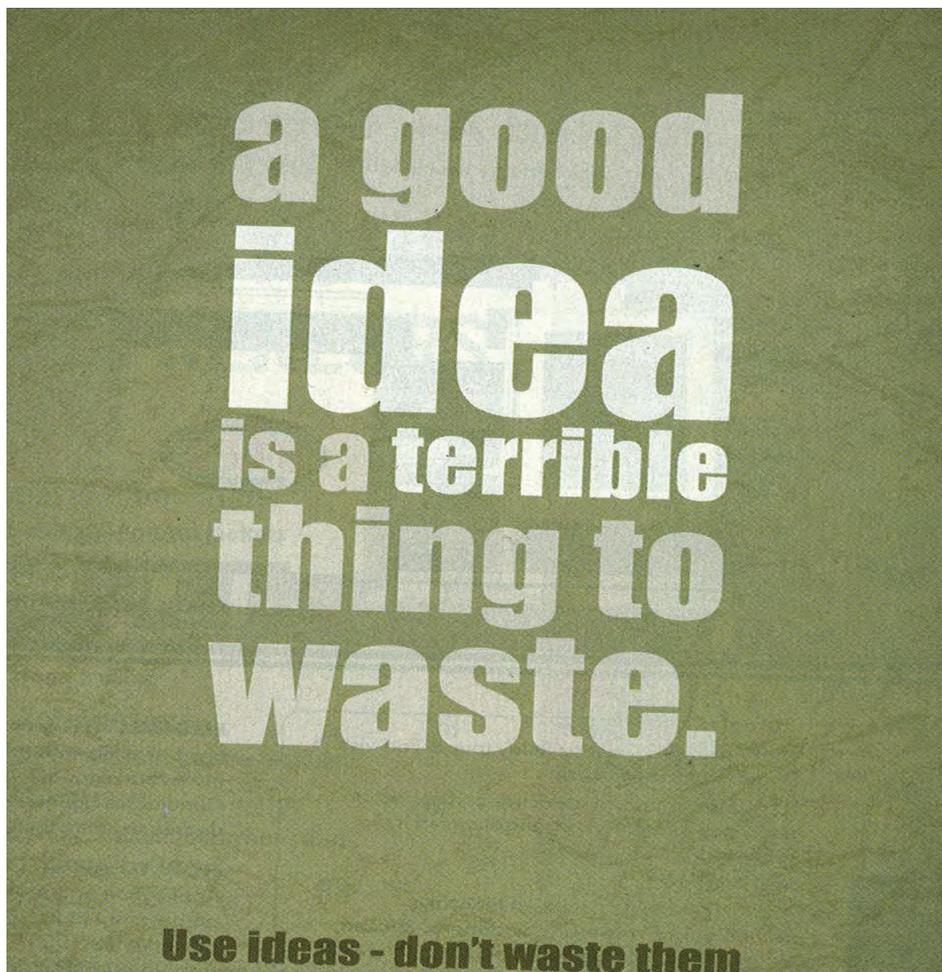
Jeevansathi Matrimonial - Contact Lakhs of members Jeevansathi.com Download Google Chrome - Experience Seamless Cricket On A Fast & Secure Browser. Try It Now! : www.Google.com/Chrome

New Business or Product

Product	protect as patent or copyright
Shape or look	protect as design or shape mark
Brand or Logo	protect as trademark
Customers List	protect as confidential information
Product Literature	protect as literary work copyright
Set up website	protect domain name

PROTECT

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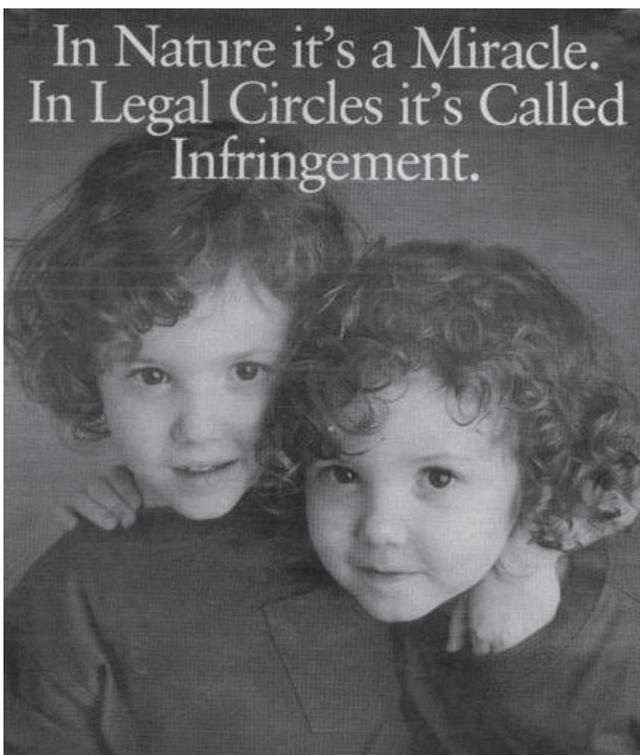
Search

- What? All proposed trademarks / designs / patents, domain name etc
Register of Companies
- When? Pre-launch and preferably pre-filing
- Why? Avoid conflicts.
Avert Possible actions
Save Money & Reputation
Acquire conflict

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Freedom to Operate



- Search
- Analyze
- Assess
- Launch



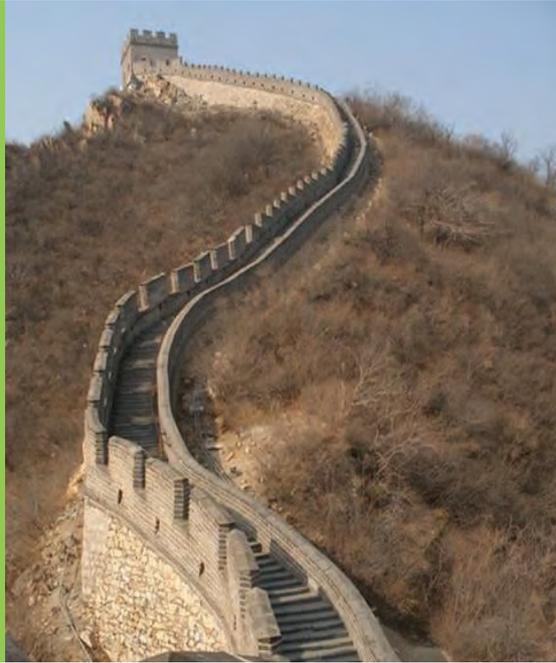
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IPR

The Great Wall – Right or Wrong

- Your Ideas & Assets
- Protect Them
- Mark your boundaries



- Others' ideas
- Don't Copy
- Improve or Modify
- Search

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IP Strategy



- Audit: Identification of IP Assets
- Protection: Register and Maintain
- Commercialisation: License, Franchise, Leverage
- Enforcement: Legal Action - violator

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IP Strategy impacts

MY METRIC



James Dyson,
founder,
Dyson Inc.

I watch patent filings. Patent applications are a barometer of how much money companies are spending on R&D and how they are positioning themselves for the future. For the first six months of this year, the number of U.S. applications was down 14%. But China's applications are up 19%.

10 FORTUNE November 9, 2009

08

TUESDAY, NOVEMBER 10, 2009, CHENNAI

NEW TREND

Indian firms get smart, see reward in brand valuation

BY SWETA SHRAM
CNBC-TV18

A few weeks ago, Gitanjali Gems Ltd had valued its four flagship brands—Nakshatra, Asmi, Gili and D'damas—at Rs1,500 crore. It is just one of the many Indian firms that are building brands and seeking professional help to value them. The International Financial Reporting Standards (IFRS), which demands that companies declare their brand value, is expected to be adopted in India in 2011. But that's just one reason why Indian firms are getting brand conscious. Indian businesses are realiz-

questions are being raised as to what the return on investment for these huge expenses is. Currently, there are no answers to it, so chairmen especially find it a very compelling reason to hire us to evaluate." Ramesh J. Thomas, president and chief knowledge officer of brand consultancy firm Equitor Management Consulting Pvt. Ltd, says chief executive officers (CEOs) and chief financial officers (CFOs) are getting increasingly involved in understanding the value of their brands. "They know the

from somebody else. So the value of the brand is the royalty that I am saving upon. But it's difficult to get reliable royalty rates from the public domain. So the more scientific method is the excess earning method. Basically, the business from the brand residing in its cash flow or earnings are base estimated and then from those profits, charges are taken from tangible and intangible assets, which have a play in the business. So ultimately, I am left with profits that are attributed to the



Brand collateral: Future Group hopes the power of Big Bazaar's brand will help it get more out of prospective investors.

Commercialising IP

- Assignment: Outright Sale
- Licensing & Technology transfer
- Patent Pool
- Franchising
- Capital raising
- Security for credit
- Joint Venture or Collaboration

DERMATOLOGY SEGMENT

Glenmark signs licensing deal with US firm

The firm will receive \$5 mn from Medicis for developing a treatment for acne; to get royalty if product reaches market

had in the past three years earned considerable revenue by licensing out new drugs to foreign drug makers for up-front payments that were followed by milestone payments.

However, two such deals in the recent past with Forest Laboratories Inc. and Eli Lilly and Co. faced setbacks as the

BY C.H. UNNIKRISHNAN
ch.unni@livemint.com

Patent Protection for Sale

American start-up, RPX, has an interesting promise for clients: Protection from patent trolls

Hyundai counts on strength of car design to sustain sales

BLOOMBERG
Los Angeles/ Seoul, 18 December

the second-biggest US market share after General Motors Co, and Honda's 11 per cent.

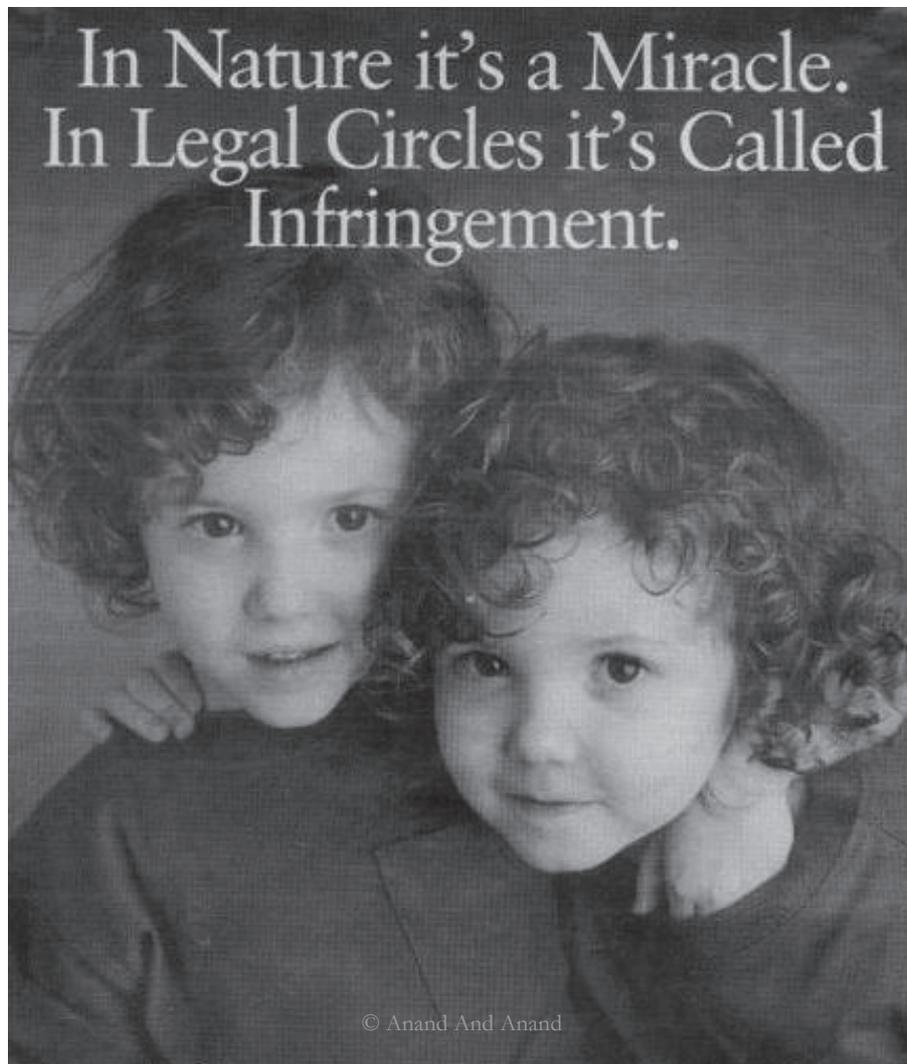
Enforcements of IP Rights

M. S. Bharath

Partner

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Levels of judicature



Supreme Court

High Court – Single Bench and Division Bench

Intellectual Property Appellate Board / District Court

Patents / Trademarks / Designs

Copyright/ Geographical Indication Offices

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Indian Courts

- Every State – District and High Court
- Apex Court – Supreme Court, New Delhi



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Offices

TRADEMARKS: Mumbai , New Delhi, Kolkata, Ahmedabad, Chennai

PATENTS: Mumbai , New Delhi, Kolkata, Chennai

DESIGNS: Kolkata with filing in Mumbai , New Delhi, Chennai

GEOGRAPHICAL INDICATION: Chennai

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Website of The Indian IP Office

The screenshot shows the homepage of the Indian Intellectual Property Office. At the top, it features the Government of India emblem and the text: "Government of India, Controller General of Patents Designs and Trademarks, Department of Industrial Policy and Promotions, Ministry of Commerce and Industry". A navigation bar includes links for Home, About us, Patents, Designs, Trademarks, Geographical Indications, NIIPM, Sitemap, and Contact Us. The main content area is divided into several sections: "Gateways" with links for eFiling, Status of Patent, Public Search, and Interactive Guidance; "Resources" with links for Right to Information Act, Bilateral Cooperation, Scientific Advisors, Research Studies, Notice Board, Office Circulars, and Vacancy Announcement; "Our Publications" with links for Journal Patent, Annual Reports, Revised List of Pharma Patents, List of Patent Agents, Revised Draft Manual of Patent Practice & Procedure, Revised Draft Manual Of Trademarks Practice and Procedure, and Revised Report of the Technical Expert Group on Patent Law Issues; "News" with several articles including "Draft Manual of Design Practice and Procedure", "Vacancies in Trade Marks Registry", "Notification inviting applications for Senior Joint Registrar", "Public Notice regarding increased in Fee for filing of New Trade Marks Applications", and "Draft Patents (3rd Amendment) Rules, 2010"; and "Forthcoming Events". On the right side, there is a vertical menu with buttons for Patents, Designs, Trade Marks, Geographical Indications, and NIIPM. Below this menu is a banner for "Intellectual Property India: The Journey so far" and a "New" section with a "sent by email to" link. The footer contains the URL "http://www.ipindia.nic.in/iponew/DesignsManual_14February2011.doc" and the text "© Anand And Anand".



Intellectual Property Appellate Board IPAB

- Centralized Filing in Chennai (Madras):
- Floating Bench : Hears appeals from each of the 5 offices

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Intellectual Property Appellate Board IPAB

- Jurisdiction: Trademarks
 - Original Rectifications and those in infringement cases
 - Appellate – all appeals from Registrar’s orders
 - Transferred Appeals from High Courts
- Patents: Rectifications & Appeals from some orders from Patent Office

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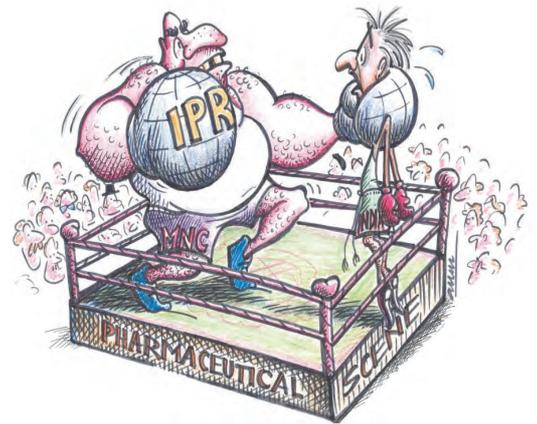


Enforcements Campaign



- Soft Touch Enforcement

- Hard Touch Enforcement



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Soft Touch Enforcement

- Educational Awareness Letters
- Cease & Desist Letters
- Caution Notices
- Oppositions, Rectifications, Cancellation

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Soft Touch Enforcement

Educational Awareness Letters

- Softest
- Potential Customer Base
- Awareness of rights held
- Contact Details of the relevant officer

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Soft Touch Enforcement

Cease & Desist Letters

- Stricter
- Identified Targets
- Small in size and violation
- Potential out of Court resolution

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Soft Touch Enforcement

Caution Notices

- Released in Newspaper: Local Language
- Normally used for a specific geography
- Identifies Rights and details protection sought
- Legal Action against violators

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Soft Touch Enforcement

- Oppositions
- Trademarks
- Rectifications
- Patents
- Cancellation
- Designs
- GI's



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Requisites & Remedies Available

Right	Registration Requisites	Infringmnt Civil	Passing off	Criminal Actions	Police Power to Seize Infringing Goods
Trademark	NO	YES	YES	YES	YES with TMR Opinion
PATENTS	YES	YES	NO	NO	NO
DESIGN	YES	YES	NO	NO	NO
COPYRIGHT	NO	YES	NO	YES	YES
GI	NO	YES	YES	YES	YES with GIO Opinion

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Hard Touch Enforcements

- Identification of Targets
- Legal Options
 - Civil Action
 - Criminal Action



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Hard Touch Enforcements

STEP 1: Identification of Targets

- Leads Identified by the Proprietor
- Investigation Agency



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A stylized, handwritten signature consisting of a single cursive letter 'a'.

Hard Touch Enforcements

Step 2: Legal Options: Civil Vs. Criminal

- Jurisdiction
- Impact
- Degree of culpability
- Profile of parties involved
- Volume and extent of piracy
- Assets of the accused/defendant
- Ability to obtain damages and legalization

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A stylized, handwritten signature consisting of a single cursive letter 'a'.

Hard Touch Enforcements

Step 2: Legal Options: Civil Vs. Criminal

- Availability of complainants and/or witnesses
- Degree to which investigators need to get involved
- Ease of exit from the proceedings
- Convenience to your company
- Impact your company wants to create in the market; and
- Costs involved.

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Hard Touch Enforcements

CIVIL ACTIONS

- Before a District or High Court (Preferred One)
 - Depends on the value of claim
 - Territory
- For infringement (or passing off)
- Apprehension of infringement (Quia Timet)
- Interim Injunctions
 - Ex-parte
 - Contested
- Permanent Injunctions & Decree OR **SETTLEMENT**

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Hard Touch Enforcements

CIVIL ACTIONS

- Anton Pillar: Search & Seizure
- John Doe: Unknown Defendants
- Mareva Freezing Assets
- Norwich Pharmacal: Compel to disclose info
- Lock Breaking Orders
- In Camera hearings
- Combining Plaintiffs



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Advantages of a Civil Action:

- Easier to settle;
- Ex-parte ad interim (Defendant's absence) injunction is granted in favor of the Plaintiff;
- The seized goods are taken out of the commercial stream:

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Advantages of a Civil Action:

- After Settlement / Decree if a Defendant is found infringing:
 - Contempt powers;
 - Execution Proceedings: Attach movable/immovable property of the infringer.
- Option of damages and legalization (software) are available under this route thereby fulfilling the objectives of the company.

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Criminal Action & Remedies

- Trademarks, Copyright and GI
- Imprisonment
- Fine of 2 Lakhs (To Govt)
- Cognizable Offences
- Seizure of Goods by Police



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Advantages of Criminal Action

- The goods are seized by the police;
- If the owner is at the premises at the time of the raid then he is arrested; and
- The deterrent effect on the market is huge.

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Disadvantages of Criminal Action

- Not compoundable
- Settling requires the High Court's intervention to quash proceedings or plea bargaining;
- It is necessary for the complainant to appear before the Court on each hearing and consequently expenses of a criminal action if not conducted in Delhi are large;

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Disadvantages of Criminal Action

- No injunction : Accused are not actually restrained in illegal activity at a future date;
- Coordination between the Police and the Public Prosecutor in each city
- Agencies knowledge in Intellectual Property matters is low
- State matter, control over the quality of evidence led is limited and this may jeopardize the action.

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CUSTOMS: Border Control

- Intellectual Property Rights (Imported Goods) Enforcement Rules 2007
- Rights Holder may register its IP with the Customs Authorities to safeguard itself from import of counterfeit goods.
- Customs may take *suo moto* action against import of counterfeits.
- Bonds and Indemnities.
- TRIPS-Plus since it includes Patents, Designs and GIs.

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IPR Imported Goods Enforcement Rules FIRST CASE

- Ramkumar: Madurai based inventor
- Patent for Dual Sim Phone: Simultaneous Use
- Registered with Customs
- Seizure of Goods and proceedings

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IPR Imported Goods Enforcement Rules FIRST CASE

- 5 Customs proceedings in Chennai & Mumbai
- Customs Officer held no infringement
- Order Challenged by writ before Madras HC
- Only Appeal lies before the Appellate Authority
not a writ

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GRA(E)Y MARKET: Parallel Imports

- IP Rights : Territorial
- Exhaustion of rights & Exhaustion of rights nationally
- Methods Adopted
 - Material Difference Tests
 - Difference in Ingredients
 - Difference in Quality Standards
 - Difference in Packaging

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Parallel Imports: Reported Cases

- *Bose Corp. vs. Mehta* [Suit No.337 of 2006]
 - Grey market import of music systems
 - False representation of product warranty
- *GE v. A. Khan* [Suit No.1283 of 2006]
 - False representation of being a dealer of dehumidifiers.
 - Erasing Serial No. and Model No. which help in tracking origin.
- *Samsung Case*
 - Grey market import of ink toners
 - Without guarantees and warranties

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Trade Secrets – Indian cases

- John Brady case AIR 1987 Delhi 372
 - No contract
 - Supplied defendant with technical material, specifications and drawings under conditions of confidentiality
 - Court
 - Held confidentiality implicit in the arrangement
 - Restrained defendant from manufacturing products with the said information

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New Ideas

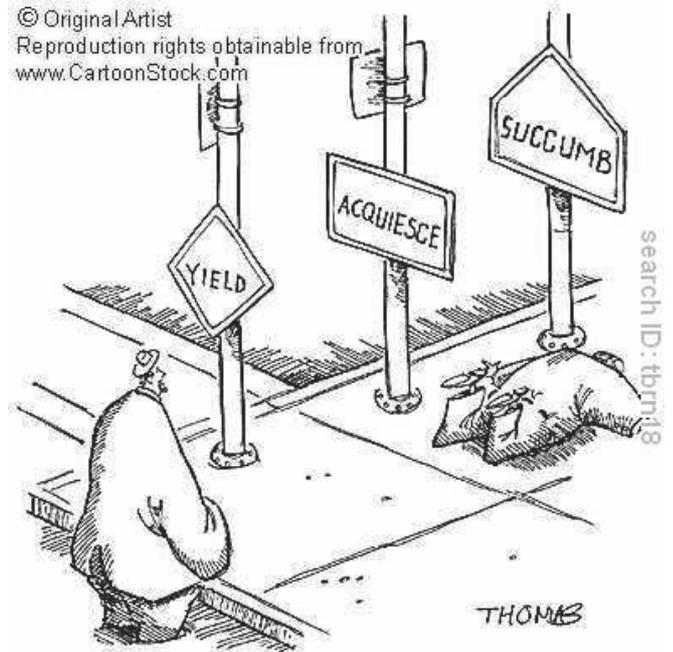


Swayamvar – The Case

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Don't Sleep: Act and now!

- Limitations
- Delay
- Laches
- Acquiescence



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Cluster level Intellectual Property Awareness Program

(Cluster: Auto)

ANNEXURE V

Glimpse of The Event

Cluster level Intellectual Property Awareness Program (Cluster: Auto)

ANNEXURE V



Cluster level Intellectual Property Awareness Program

(Cluster: Auto)

ANNEXURE VI About Organisers

Cluster level Intellectual Property Awareness Program

(Cluster: Auto)

ANNEXURE VI

About CII

The Confederation of Indian Industry (CII) works to create and sustain an environment conducive to the development of India, partnering industry, Government, and civil society, through advisory and consultative processes.

CII is a non-government, not-for-profit, industry-led and industry-managed organization, playing a proactive role in India's development process. Founded over 118 years ago, India's premier business association has over 7100 members, from the private as well as public sectors, including SMEs and MNCs, and an indirect membership of over 90,000 enterprises from around 257 national and regional sectoral industry bodies.

CII charts change by working closely with Government on policy issues, interfacing with thought leaders, and enhancing efficiency, competitiveness and business opportunities for industry through a range of specialized services and strategic global linkages. It also provides a platform for consensus-building and networking on key issues.

Extending its agenda beyond business, CII assists industry to identify and execute corporate citizenship programmes. Partnerships with civil society organizations carry forward corporate initiatives for integrated and inclusive development across diverse domains including affirmative action, healthcare, education, livelihood, diversity management, skill development, empowerment of women, and water, to name a few.

The CII Theme for 2013-14 is **Accelerating Economic Growth through Innovation, Transformation, Inclusion and Governance**. Towards this, CII advocacy will accord top priority to stepping up the growth trajectory of the nation, while retaining a strong focus on accountability, transparency and measurement in the corporate and social eco-system, building a knowledge economy, and broad-basing development to help deliver the fruits of progress to all.

With 63 offices, including 10 Centres of Excellence, in India, and 7 overseas offices in Australia, China, Egypt, France, Singapore, UK, and USA, as well as institutional partnerships with 224 counterpart organizations in 90 countries, CII serves as a reference point for Indian industry and the international business community.

Cluster level Intellectual Property Awareness Program

(Cluster: Auto)

About IPO

The Office of the Controller General of Patents, Designs & Trade Marks (CGPDTM) is located at Mumbai. The Head Office of the Patent office is at Kolkata and its Branch offices are located at Chennai, New Delhi and Mumbai. The Trade Marks registry is at Mumbai and its Branches are located in Kolkata, Chennai, Ahmedabad and New Delhi. The Design Office is located at Kolkata in the Patent Office. The Offices of The Patent Information System (PIS) and National Institute of Intellectual Property Management (NIIPM) are at Nagpur. The Controller General supervises the working of the Patents Act, 1970, as amended, the Designs Act, 2000 and the Trade Marks Act, 1999 and also renders advice to the Government on matters relating to these subjects. In order to protect the Geographical Indications of goods a Geographical Indications Registry has been established in Chennai to administer the Geographical Indications of Goods (Registration and Protection) Act, 1999 under the CGPDTM.

About CAIIUC

Chennai Auto Ancillary Industrial Infrastructure Up-gradation Company (CAIIUC) - Ambattur, Thirumudivakkam and Thirumazhisai were identified as the three product-oriented clusters. A special purpose vehicle —Chennai Auto Ancillary Industrial Infrastructure Upgradation Company was formed to bridge the infrastructure gaps.

Industrial Infrastructure Upgradation Scheme: With a view towards substantially improving the export potential of various industries and increasing the Foreign Direct Investment, the Government of India has introduced an innovative plan to qualitatively develop the infrastructure in all sectors of industry by encouraging public-private partnerships through the Industrial Infrastructure Upgradation Scheme (IIUS).

Under the guidance of the State Government, and as per the IIUS terms, an industrial cluster comprising of three Industrial Estates - Ambattur, Thirumudivakkam and Thirumazhisai - was formed.

The Special Purpose Vehicle called Chennai Auto Ancillary Industrial Infrastructure Upgradation Company (CAIIUC) had prepared and submitted a detailed project report (DPR) with the professional assistance of ITCOT and TUV Rheinland (India) Pvt. Ltd., taking into account the gaps in infrastructure, with a total project outlay of Rs 51.5 crores.

For more information please contact

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Confederation of Indian Industry
shilpi.jha@cii.in
Phone: 011 45772013**