

IP & BUSINESS

A Mabbitt Media Publication

India's First Intellectual Property Business Magazine



**The Flow
of Intellectual Property
In The**

IPIL





INDIAN INSTITUTE OF PATENT AND TRADEMARK ATTORNEY

Calling Science Graduates And Researchers

GRAB NEW JOB OPPORTUNITIES

BE GOVERNMENT CERTIFIED PATENT AGENT

AND GRAB HIGH PAYING JOBS

COURSES

- (**SIX MONTHS DIPLOMA IN PATENT MANAGEMENT.**
- (**PATENT AGENT TRAINING PROGRAM.**
- (**3 MONTH INDUSTRIAL TRAINING IN PATENT LANDSCAPING.**
- (**2 MONTH SUMMER / WINTER TRAINING**

WHAT IS IIPTA?

Indian Institute Of Patent and Trademark Attorneys is professional training centre for training, research and education in Intellectual Property Rights. IIPTA is established to increase the understanding, creation and exploitation of Intellectual Property-patents, copyrights and trademarks, trade secrets, industrial designs, etc -as a tool for sustainable economic growth.

What are the rights of patent agent?

- Patent agents are responsible for the filling and draft of all patent applications.
- He can provide necessary consultancy for patents.
- He provides research for the inventors and other organizations.

Why should I become a patent agent?

- To get registered by Government of India for practicing
- To develop new, alternate, recession-proof career.
- To get to know latest trends in technology
- To get highly paid job offerings in reputed firms and R&D

PLACEMENTS

PANACEA BIOTECH
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Primal Healthcare (NPIL)
CPA Global
Lupin Pharmaceuticals
Jubilant Biosys
Indian Immunological Ltd.
Matrix Lab
Biocon
Orchid Chemicals & Pharmaceuticals Ltd.
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CHESHTA SHARMA

Brands are the most valuable
intangible assets in
business today.

From The Editor In Chief

It is our immense pleasure to introduce the first issue of IP & BUSINESS on World's Intellectual Property Day 2010. In this issue, we take a look of intellectual assets in the fast growing brand of India IPL. Winner will change every year, performance will fluctuate, new players will roll in, some will retire with time but the brand will be constantly binding the fan club driving the long-term commercial sustainability and success of the IPL franchises. The Ministry of Science & Technology, Government of India, has proposed a bill entitled Public Funded R&D Projects (Protection of Intellectual Property) Bill, intending to promote innovation and technology of transfer through Government-funded research. Brands are the most valuable intangible assets in business today. Super brands 2010 is the reporting of Brand Finance findings. The issue also boosts insights into IP issues in advertising and fashion industry. Round up of recent IP stories which made a headline in the corporate world Finally we have preview of provisions of US Reform Bill US politicians have talked about patent reforms for years and finally happened.

We welcome your feedback.

Happy Reading !!

Cheshta Sharma

Indian Premier League - Intellectual Property League

COVER STORY

Third great season of IPL on the roll! Such events are made possible through the commercial participation of sponsors, partners and broadcasters .Each one is granted exclusive rights and privileges by the IPL and thus unlicensed third parties should be prevented from undertaking unauthorized activities that damage or dilute IPL sponsors', partners' and broadcasters' exclusive rights.



MONTHLY NEWS UPDATES



Rin's latest advertisement, placing itself to be a better bet than Tide is anything but squeaky clean (pun intended). Having done so, the ugly head of commercial disparagement has been reared again. According to latest news reports, P&G which owns "Tide" has knocked the doors of the Calcutta High Court in relation to HUL's controversial Rin advertisement.

INNOVATION

Today **innovation** is more **important** than ever.

WORLD IP DAY



Most people are aware of intellectual property (IP) - of copyright, patents, industrial designs and trademarks. But many still view these as business or legal concepts with little relevance to their own lives. To address this gap, WIPO's Member States decided in 2000 to designate

an annual World Intellectual Property Day. They chose April 26, the date on which the convention establishing WIPO originally entered into force in 1970.



BOOSTING FOREIGN TECHNOLOGY TRANSFERS

India has made tremendous progress in building a policy environment to encourage investment. Foreign direct investment (FDI) in India is principally governed by the Foreign Exchange Management Act, 1999. In addition, the Department of Industrial Policy and Promotion (DIPP) issues various press notes from time to time, modifying the sectoral limits on FDI and specifying additional conditions for FDI in India.

COMMERCIALIZING IP



FEATURES

IP issues in Advertising

ASCI is a voluntary Self-Regulation council, registered as a not-for-profit Company under section 25 of the Indian Cos. Act. The sponsors of the ASCI, who are its members, are firms of considerable reputation within the advertising industry in India, and comprise Advertisers, Media, Ad. Agencies and other Professional/Agency services connected with advertising practice. Any complaints against an advertisement should be addressed to the ASCI.



The serious side of fashion industry



The Fashion Foundation of India a newly constituted body consisting of leading designer from India seeks to protect IP rights against rampant copying. 'referencing' and 'inspiration'. It actively searches through its Research and Analysis Cell and commission studies to bring forth various aspects of the fashion industry.

Commercializing Public funded IP

India's pharmaceutical industry is currently the fourth largest pharma industry in the world in terms of volume. India is now emerging as a new R&D hub for pharmaceutical sector. The aggregate R&D expenditure of 20 leading Indian pharma companies increased from Rs 2067 crore in the year 2005-06 to Rs 2207 crore in 2006-07.

Super brands 2010



"Brands are the most valuable intangible assets in business today. They drive demand, motivate staff, secure business partners and reassure financial markets. Leading edge organizations recognize the need to understand brand equity and brand value when making strategic decisions"

Indian Film Industry - Copyright Infringers or Inspirations?



Almost eight out of every ten Bollywood scripts were recently "inspired" by one or more Hollywood films. There are screen writers who are so adept at plagiarizing that they can have a cultural copy of a Hollywood movie ready by the very same day as the film's north American premier. In fact, many producers and directors prefer cultural copies because the stories have proven box office appeal.

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COVER STORY

Indian Premier League-Intellectual property League?

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BOOSTING FOREIGN TECHNOLOGY TRANSFERS

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Indian Film Industry-Copyright Infringers or Inspirations?

INNOVATION

Tech Car 2010

INTERNATIONAL IP

Handcuffed: When the Government Wants Your Invention-US
Reform Bill

World IP Day

Most people are aware of intellectual property (IP) - of copyright, patents, industrial designs and trademarks. But many still view these as business or legal concepts with little relevance to their own lives. To address this gap, WIPO's Member States decided in 2000 to designate an annual World Intellectual Property Day. They chose April 26, the date on which the convention establishing WIPO originally entered into force in 1970. Each year, WIPO and its Member States celebrate World Intellectual Property Day with activities, events and campaigns. These seek to increase public understanding of what IP really means, and to demonstrate how the IP system fosters not only music, arts and entertainments, but also all the products and technological innovations that help to shape our world. WIPO issues a message from the Director General each year, broadcasts a short publicity spot on international television channels, and dispatches posters and other promotional materials to IP offices and organizations. Reports of activities organized by Member States are published on this site.

The aims of World IP Day are:


- to raise awareness of how patents, copyright, trademarks and designs impact our daily life;
- to increase understanding of how protecting IP rights helps promote creativity and innovation;
- to celebrate creativity, and the contribution made by creators and innovators to the development of societies across the globe;
- to encourage respect for the IP rights of others.

Each year, a message or theme is associated with the event:

- 2001 - *Creating the Future Today*
- 2002 - *Encouraging Creativity*
- 2003 - *Make Intellectual Property Your Business*
- 2004 - *Encouraging Creativity*
- 2005 - *Think, Imagine, Create*
- 2006 - *It Starts With An Idea*
- 2007 - *Encouraging Creativity*
- 2008 - *Celebrating innovation and promoting respect for intellectual property*
- 2009 - *Green Innovation¹*
- 2010 - *Innovation - Linking the World*



On April 26, 2010, the World Intellectual Property Office (WIPO) and member firms across the world celebrate the 10th anniversary of World Intellectual Property Day as well as the 40th anniversary of the entry into force of the convention that establishing WIPO. The theme of 'innovation' is synonymous with New Zealand firms such as Glidepath, Lanzatech and Navman as well as individuals such as Sir Stephen Tindall, Kevin Roberts and Sir Kenneth Stevens. It is with the business community that intellectual property is most associated with. However, one of the purposes of World Intellectual Property Day is to increase public awareness of what IP really means, and to demonstrate how the IP system fosters not only music, arts and entertainments, but also all the products and technological innovations that help to shape our world. IP simply surrounds us each and all through every one of us each and every day of our life. Join with us! The name Baldwins, as Patent Attorneys, has been synonymous with Intellectual Property for 114 years.

Baldwins has led World Intellectual Property Day celebrations in New Zealand since its inception 10 years ago and has recognized this occasion with special activities and events. Join with us and take a minute out of your busy day on Monday 26 April, to look around and observe how much IP surrounds you, then raise your coffee mug in celebration. Enjoy! 



WORLD IP DAY

Commercializing Public Funded IP

India's pharmaceutical industry is currently the fourth largest in the world in terms of volume. India is now emerging as a new R&D hub for pharmaceutical sector. The aggregate R&D expenditure of 20 leading Indian pharma companies increased from Rs 2,067 crore in the year 2005-06 to Rs. 2,207 crore in 2006-07. Many pharma companies are forging ahead in R&D on New Chemical Entities and Novel Drug Delivery System and making it an integral part of their strategy to attain long term advantage with its growing global presence, Indian pharma can play a lead role in contributing to global R&D in the area of neglected diseases which is very often ignored by the multinational corporations due to low commercial value of these products. Hence, national policies and programmers giving priority to public health over profits may help in steering the R&D in the right direction. At this juncture, the Ministry of Science & Technology, Government of India, has proposed a bill entitled Public Funded R&D Projects (Protection of Intellectual Property) Bill, intending to promote innovation and technology of transfer through Government-funded research. [IPB](#)



US Bayh Dole Act

The legislation proposed by MST (Ministry of Science & Technology) has been modeled on the United States' Patent and Trademark Law Amendments Act commonly known as Bayh-Dole Act (BDA) that came into existence in 1980. BDA created a uniform patent policy for the universities to own rights to patent resulting from federal funded research and to license these patents on an exclusive or non-exclusive basis. It encouraged universities to set up Technological Transfer Offices (TTO) to manage and promote their patents. The underlying objective of this act was to stimulate innovation and ensure commercialization of the technology leading to increased public access to federally funded research. The act also allowed for march-in rights under which the government can acquire the compulsory licensing of the patent. The Bayh Dole Act in the US came into practice with an implied duty to commercialize. Prior to Bayh Dole, while lots of patents were being held by US universities, very few of them were being licensed to industry for commercial development. This act was an attempt to stimulate public institutions' participation in an established IP regime and commercializes their research. This act has received

more criticism than acclaim in the US. On one hand, it is regarded as a catalyst for bringing boom to the US economy and facilitates transfer of technology from academic institutions to industry. On the other hand, this legislation is seen as detrimental to the innovation system that hinders innovation access to public. There is evidence of striking increase in the patenting and licensing activities in American Universities since 1980. In 1980, approximately 20 universities had technological transfer offices. The number rose to 200 in 1990 and by 2000 nearly every major university had a TTO. Large number of universities verified that technology transfer programmes aided licensing of inventions and commercialisation of federally funded research. This resulted in invention of many new technologies which were successfully introduced for public use. With the significant increase in number of patents issued, royalties and licensing fees received by the inventor and the universities respectively immensely benefited the universities. The US economy was also estimated to grow post Bayh-Dole Act owing to creation of additional jobs and generated substantial economic activity

Apprehensions about the Proposed Indian Bill

In line with the US Bayh Dole Act, the proposed Indian bill seems to assume that public funded R&D cannot be fruitful without IP protection. However, experts are claiming this bill which aims at IP management and protection will not serve any purpose in our country. The bill is being labeled as an ill-studied one which has not been backed by enough empirical research. It needs to be supported by data on how much patenting and technology transfer takes place in universities. Arguments are also being made that the bill has been drafted with the assumption that IPR is the best way to steer innovation. Another question that comes to one's mind is whether our universities have the potential and capacity to commercialize their inventions. Often universities tend to go for inventions

Which are creative and different and are not much concerned about its commercial value or end use of the inventions. The creation of IP cell which is expected to provide support in this regard may not be of much help keeping in view the absence of proper training on IP management. IP is but one way of incentivizing innovation and too much of IP may prove to be fatal. Too much of IP may skew the balance in favor of patent holder and may lead to monopoly. Alternative ways need to be sought after to incentivize innovation. Concerns have also been raised about the effectiveness of compulsory licensing as safeguard measure. The government has hardly used this provision earlier in the interest of public use.



it is anticipated that the bill will provide a fillip to R&D sector of the Pharmaceutical industry in India. While the industry will benefit with this association as it would give it an opportunity to leapfrog on the numerous inventions made at University level, it will also offer an opportunity to the Universities who in itself do not have the capacity to take their inventions to the stage where it can be made available for public use¹². Industries can act as a missing link here to foster the creation of new products and services from research that might otherwise remain in either early-stage or undeveloped. it can be made available for public use. Industries can act as a missing link here to foster the creation of new products and services from research that might otherwise remain in either early-stage or undeveloped.

The bill is expected to lay down a formal structure for Public Private Partnership taking place in the country. Several Public sector research institutions such as (CSIR) Central Drug Research Institute (CDRI), Centre for Cellular & Molecular Biology (CCMB), Indian Council of Medical Research are already doing partnerships with private sector to contribute to R&D in field of neglected diseases. This bill seeks to help in providing incentives to the inventor and also ensure that the invention is made available for public use. However, by providing discretionary power to the Universities involved in research, the government may loose its authority over inventions which should be used for the general masses.

Advantages:-

1. It is expected to galvanize innovation in public funded research, enhance awareness about intellectual property and ensure access to innovation by all stakeholders . It even promises enhanced financial incentives for innovations.
2. IP patenting can make institutions self-financing
3. Promote the protection of IP and thereby leading to optimal utilization of public investments on R&D
4. Encourage innovation in small and medium enterprises
5. Encourage University-Industry Partnership to commercialize IP and make patents available for public use
6. While the industry will benefit with this association as it would give it an opportunity to leapfrog on the numerous inventions made at University level, it will also offer an opportunity to the Universities who do not have the capacity to take their inventions to the stage where it can be made available for public. Industries can act as a missing link here to foster the creation of new products and services from research that might otherwise remain in either early-stage or undeveloped.

Disadvantage:-

1. Inventor forwards everything to institutes IP panel. The committee sends it to govt to decide whether or not to file for patent. Will involve huge paper work patenting expensive and as every IP is not worth it, getting useless patents will be a drain on exchequer
2. If companies price products high, people will end up paying twice through taxpayer funding research and then for the product
3. Sharing of scientific knowledge and research atmosphere will be adversely affected
4. While the industry works on the principle of profit making and operates in an environment of competition, the industry-academic association might deviate the latter from the path of knowledge dissemination to revenue generation

Conclusion



The environmental conditions that prefaced the adoption of Bayh Dole in the US are different from the conditions prevailing in India. While majority of Universities in the US are involved in R&D activity, in India universities' contribution to R&D is minimal. Besides, the pharma R&D sector is currently in its nascent stage in India. At this point in time, if Bayh Dole like act is adopted, then there are chances that research will be driven by market rather than necessity. While the industry works on the principle of profit making and operates in an environment of competition, the industry-academic association might deviate the latter from the path of knowledge. Many experts and around the world have suggested alternative models like open

source model which is considered to be more effective than Bayh Dole in stimulating innovation. University Allied for Essential Medicines has recognized that Bayh Dole Act is a narrow approach for handling access and innovation. It has insisted on considering technology transfer process in a broader perspective rather than looking at it through management of Intellectual Property as done in the Bayh Dole Act. At the global level, developing countries are recommending alternative models like prize fund, patent pool, Global R&D treaty during the negotiations held by Inter-Governmental Working Group on Public Health, Intellectual Property & Innovation.

The bill has already been approved by various ministries and is now with cabinet for further refinement. It has also received recommendation from National Knowledge Commission, a government advisory body. The bill is scheduled to be tabled in parliament soon. The government plans to share the bill in public after it is introduced in parliament. But the question is how hassle-free and swift would be the procedure to make amendments in the bill when the slip-ups are spotted? Rather than going for a policy or act having narrow approach of merely commercializing the inventions, the Ministry of Science & Technology should strive for alternative mechanisms recommended globally for encouraging innovation and transfer of technology which are more in favour of public interest. ^[165]

SUPER BRANDS 2010



AVI SHARMA

HOW DO THE FOLLOWING “SUPER BRAND” PERFORM IN SEARCH

FROM PATENT ANALYST, IIPTA

“Brands are the most valuable intangible assets in business today. They drive demand, motivate staff, secure business partners and reassure financial markets. Leading edge organizations recognize the need to understand brand equity and brand value when making strategic decisions”

World's most valuable brands

S.no.	Brand Name	2009 Rank	2010 Rank	Brand Value (US\$)
1.	Walmart Stores Inc.	1 st	1 st	41,365
2.	Google	5 th	2 nd	36,191
3.	Coca-Cola	2 nd	3 rd	34,844
4.	IBM	3 rd	4 th	33,706
5.	Microsoft	4 th	5 th	33,604
6.	General Electric	6 th	6 th	31,909
7.	Vodafone	8 th	7 th	28,995
8.	HSBC	7 th	8 th	28,472
9.	HP	9 th	9 th	27,383
10.	Toyota Motor Corporation	10 th	10 th	27,319
11.	AT&T	14 th	11 th	26,585
12.	Bank of America	11 th	12 th	26,047
13.	Santander	41 st	13 th	25,576
14.	Verizon	15 th	14 th	23,029
15.	Wells Fargo & Co.	23 rd	15 th	21,916
16.	Budweiser	19 th	16 th	21,279
17.	Tesco	20 th	17 th	20,654
18.	McDonald's	12 th	18 th	20,192
19.	Walt Disney	18 th	19 th	20,053
20.	Apple designs	27 th	20 th	19,829

Source: Brand Finance Global



Walmart Stores Inc. (Walmart) is the world's largest public corporation by revenue, according to the Fortune Global 500 ranking. Walmart serves customers and club members more than 200 million times per week at more than 8,000 retail units under 53 different banners in 15 countries. The company operates in three business segments : Walmart U.S. and Sam's Club in the United States, and

Walmart International in 14 countries. The brand value of Walmart has risen marginally by 1.8%. Although there is a fall in the benchmarking score and the royalty rate which has a negative effect on brand value, the discount rate has fallen which has helped negate the previous factor Walmart is the world's most valuable brand for the second year running, despite occasionally polarizing public opinion. The company's management is also focused on building up its online proposition for the more upcoming growth.



Google is a multinational computing and Internet search technologies corporation that hosts and develops a number of Internet-based services and products. Google's brand value has risen by 23%. Despite analysts forecasting slower growth, the company's benchmarking score has broken the 90 barrier and the royalty rate applied has risen by 1.5%. The world's most popular search engine

brand takes this year's second place. Its reputation for innovation continues to grow with the launch of its Chrome Operating System and, capitalising on the growing trend for mobile telephony, the introduction of the Android phone and Google Apps.

Coca-Cola Company is the world's largest soft drinks company. The company's drinks are sold in stores, restaurants, and vending machines in more than 200 countries. The brand value has risen by 6.5%. Despite analysts predicting a fall in growth Another round of strong volume growth in its developing markets has resulted in a 17% increase in sales and profits globally, despite a slight sales decline in its North American market. Coke has managed to endure some challenging economic conditions by capitalizing on its substantial brand equity and maintaining strong relationships with its bottlers to provide them with greater incentives to help returns.



International Business Machines, abbreviated to IBM, and also known as "Big Blue", is a multinational computer, technology and IT consulting corporation. IBM manufactures and sells computer hardware and software, and offers infrastructure services, hosting services, and consulting services in areas ranging from mainframe computers to nanotechnology. The Company can be credited with the invention of the floppy disk, the laser printer, and the modern personal computer, amongst others. The company has eight research

laboratories worldwide and holds more patents than any other US-based technology company; it also employs scientists, engineers, consultants, and sales professionals in over 200 countries. The company's Brand value has increased by 6.9%. A reduction in its discount rate and an increase in the benchmarking score has compensated for the fall in the applied royalty rate and analysts' expectations regarding growth. IBM continued its expansion in to the asian region when in August 2009, it announced the launch of its China Analytics Solution Center, part of a network of global centers. In January 2010, IBM announced the completion of its acquisition of software company Lombardi, which will give it greater strength in the area of Business Process Management.



Microsoft, which is headquartered in Redmond, Washington, is a multinational computer technology corporation. The company was founded in 1975 and engages in the development, manufacturing, licensing, and the supporting of a wide range of software products for computing

devices. The Microsoft Windows operating system and the Microsoft Office suite of utility software are the company's most profitable products. Microsoft's Brand value has increased by 9%. This is mainly attributable to a reduction in the discount rate as well as the company being able to maintain its benchmarking score in the mid 90's. In April 2009, the company reported the first year-over-year quarterly revenue decline since it first issued stock to the public in 1986. In October 2009, Microsoft released the much-hyped Windows 7 operating system which is the successor to the Vista operating system. The system aimed to refine the pre-existing software with performance enhancements and ease of use with Windows 7, rather than a complete overhaul of Windows. It received mostly positive reviews and by January 2010, the company announced that it had sold more than 60 million Windows 7 licenses. Microsoft recently announced that it was in talks with Apple to replace Google as the default search engine on the iPhone.

India's Top Brands:-

Rank 2009	Rank 2010	Brand	Industry Group	Brand Value	Rating
65	51	TATA	Miscellaneous Manufacture	11,216	AAA-
108	93	Reliance	Oil & Gas	7,250	AA
187	344	State Bank of India	Banks	4561	AA+
289	215	Airtel	Telecommunication	3.159	AA
306	-	Bharat Petroleum	Oil&Gas	2.945	AA

TATA INDIA'S TOP BRAND

Source:- Brand Finance Global

Anchored in India and committed to its traditional values of leadership with trust, the Tata group is spreading its footprint globally through excellence and innovation

Each operating company in the group develops its international business as an integral element in an overall strategy, depending on the competitive dynamics of the industry in which it operates. For some businesses a focus on the domestic Indian market remains the priority. For others it is developing a robust presence in neighbouring markets. And then there are Tata companies, a small but growing number, that have global ambitions. Exports from India remain the cornerstone of the Tata group's international business, but different Tata companies are increasingly investing in assets overseas through greenfield projects (such as in South Africa, Bangladesh and Iran), joint ventures (in South Africa, Morocco and China) and acquisitions. While individual Tata companies have differing geographical imperatives, the Tata group is focusing on a clutch of priority countries, which are expected to be of strategic importance in the years ahead. The regions are North America, UK, China, the Netherlands, Germany, South Africa, members of the Gulf Cooperation Council, Brazil, Vietnam, Thailand and Sri Lanka.



Leadership with trust

Battle of Global Giants

Brand rating are calculated using Brand Finance's BrandBeta® analysis, which benchmarks the strength, risk and future potential of a brand relative to its competitors on a scale ranging from AAA to D. It is conceptually similar to a Credit rating. The data used to calculate the ratings comes from various sources including Bloomberg, annual reports and Brand Finance research.

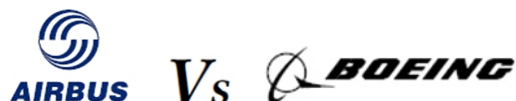
Branding Rating	Strength
AAA	Extremely strong
AA	Very strong
A	Strong
BBB-B	Average
CCC-C	Weak
DDD-D	Failing

Source:- Brand Finance Global

The AAA to A ratings can be altered by including a plus (+) or minus (-) sign to show their more detailed positioning.

Year : 2010	Airbus	Boeing
Brand Ranking	352	111
Brand Value	2,605	7,058
Brand Rating	A+	AA
Enterprise Value	5,205	42,824
Domicile	Netherlands	United States

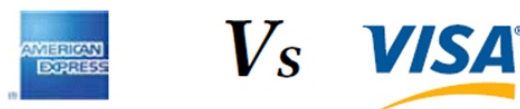
Source:- Brand Finance Global



The Airbus experience a 44% increase in brand value compared to Boeing which achieved a 21% increase. A weakened global economy has led to reduction in air travel. Therefore airlines have been forced to scale back flights and reduce orders to scale costs to match the drop in demand.

Year : 2010	American Express	Visa
Brand Ranking	49	172
Brand Value	12,737	5,037
Brand Rating	AA	AAA-
Enterprise Value	42,043	55,159
Domicile	United States	United States

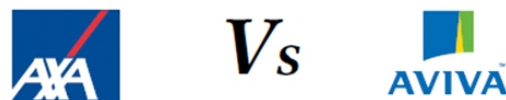
Source:- Brand Finance Global



VISA outperformed American Express in terms of relative brand value with an increase of 79% and 27% respectively. This has seen VISA jump 59 places to number 172. VISA saw profits soar by 71% as consumers turned to debit cards under a climate of financial uncertainty. In comparison, American Express profits dropped 56%.

Year : 2010	AXA	AVIVA
Brand Ranking	30	111
Brand Value	16,403	7,058
Brand Rating	AA-	AA
Enterprise Value	44,326	42,824
Domicile	France	Britain

Source:- Brand Finance Global

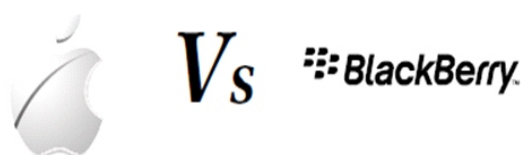


AVIVA's brand value fell 3% in 2010 dropping 37 places to 140th in the table. The major reason for the fall in AVIVA's brand value was its exposure to the UK and EU markets. The UK, which is Aviva's biggest market, saw a fall in revenue of 25% for 2010. But Aviva spent £9 million on an advertising campaign to rebrand the company from its former UK trading name 'Norwich Union'. The campaign was well received by the public and the rebrand appears to be progressing smoothly despite difficult economic circumstances. This resulted in a strengthening of the brand rating for AVIVA from A to A+.

Source:- Brand finance Global

Year : 2010	Apple	Blackberry
Brand Ranking	20	204
Brand Value	19,829	4,122
Brand Rating	AAA-	AAA
Enterprise Value	156,416	25,859
Domicile	United States	Canada

Source:- Brand Finance Global



The iPhone has had a strong year with its share of the global Smartphone industry rising from 11% to 15%. This has allowed it to catch up with BlackBerry which has a global market share of 19.4%. In the US Smartphone market, Apple has made huge strides and has seen its share rise from approximately 17% to 26%. BlackBerry's US share has stayed steady at about 42%. Apple has managed to bolster demand for its Smartphone brand with the launch of the cheaper and faster iPhone 3Gs. The company's App store has become a revelation which allows users to customize their iPhone and transform it into a business utility or even a gaming device. The App store has been a very successful revenue stream throughout the downturn and has raised warning bells to manufactures of portable gaming devices.

Year : 2010	Coca-Cola	Pepsi
Brand Ranking	3	31
Brand Value	34,844	15,991
Brand Rating	AAA+	AA+
Enterprise Value	87,814	44,866
Domicile	United States	United States

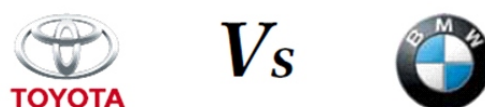
Source:- Brand Finance Global



The brand values for Coke and Pepsi have each increased 6% on their respective values in 2009 and both have seen their enterprise values increase by around 30%, yet Pepsi has dropped 9 places in global ranking. Among non alcoholic brands, Coca-Cola and Pepsi are by far the most valuable brands with Nescafe being the closest competitor besides Mountain Dew, Nestle Pure Life, and Gatorade.

Year : 2010	Toyota	BMW
Brand Ranking	10	29
Brand Value	27,319	16,616
Brand Rating	AAA	AAA-
Enterprise Value	185,402	91,170
Domicile	Japan	Germany

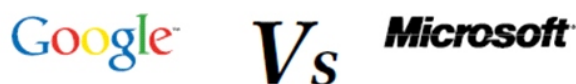
Source:- Brand Finance Global



Toyota outperformed BMW over the year in terms of brand value in 2009 with an increase of 24% and 22% respectively. In late 2009 and early 2010 which will have almost definitely eroded Toyota's brand value. In 2009, the automotive industry was still feeling the effects of the financial crisis, especially with regards to Europe and the US, where sales have decreased dramatically.

Year : 2010	Google	Microsoft
Brand Ranking	2	5
Brand Value	36,191	33,604
Brand Rating	AAA+	AAA+
Enterprise Value	157,971	199,990
Domicile	United States	United States

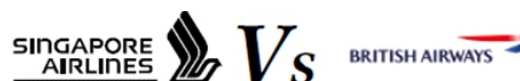
Source:- Brand Finance Global



The rivalry between Google and Microsoft is one of the most prominent power struggles in the IT industry. Last year both companies were neck to neck. Google has leapt ahead with growth in brand value of 24% compared with Microsoft's 10% resulting in Google overtaking Microsoft and becoming the 2nd most valuable brand in the world. The IT/Software sector as a whole has seen considerable growth in brand value with Amazon.com being a significant contributor as well by almost doubling its value. Google's Android was adapted by many mobile phone vendors whereas Windows Mobile 7 is yet to be released. In addition, Google has been working with Verizon in order to provide real competition to Apple's iPhone in the US. Google is preparing itself for a world where people are increasingly reliant on their phones for internet access. The company's new Nexus One 'superphone', the Android operating system, and the telecommunication service Google voice all signal a change in how they believe consumers will connect to the web and this foresight is one of the reasons that the company has surpassed Microsoft in our rankings Brand ranking.

Year : 2010	Singapore Airlines	British Airways
Brand Ranking	225	457
Brand Value	3,654	2,083
Brand Rating	AAA	AA-
Enterprise Value	10,281	5,451
Domicile	Singapore	Britain

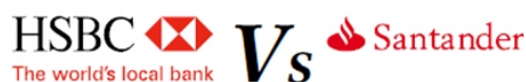
Source:- Brand Finance Global



The year has seen Singapore Airlines outperform British Airways with an increase in brand value of 32% and 6% respectively. Brands in the Airline sector have had mixed fortunes with two major brands decreasing in value. Singapore Airlines outperformed all the other major airlines this year, to top the airline sector, climbing from 246 to 224, with a 32% increase in brand value from US\$2.8 to US\$3.6bn. It has built its reputation of faultless luxury service to its customers and has avoided a lot of the pitfalls that the other airline companies have experienced.

Year : 2010	HSBC	Microsoft
Brand Ranking	8	13
Brand Value	28,472	25,576
Brand Rating	AAA+	AAA+
Enterprise Value	193,794	128,087
Domicile	Britain	Spain

Source:- Brand Finance Global



Source:- Brand finance Global

With economies gradually recovering from the global recession, Banks have seen considerable rises in their brand value as consumers are steadily regaining confidence. In terms of relative performance, Santander has outperformed HSBC with an increase in brand value of 136% and 12% respectively. Santander's many subsidiaries are being rebranded under the international name, even in some cases despite a strong individual identity, to open them up to greater opportunities and new relationships. This has been implemented in both Santander's large footprint in South America and also in the UK in the case of Abbey and Bradford and Bingley. HSBC has been achieving their brand congruence by altering existing product branding to ensure the inclusion of the distinctive red and white hexagon and strap line "The world's local bank".

Year : 2010	Budweiser	Heineken
Brand Ranking	16	63
Brand Value	21,279	11,435
Brand Rating	AAA-	AAA-
Enterprise Value	96,950	29,490
Domicile	United States	Netherlands

Source:- Brand Finance Global



The growth in Heineken's brand value exceeded Budweiser with an increase of 25% compared to Budweiser at 11%. In terms of the absolute brand value of alcoholic beverages, Budweiser remains ahead of the competition with Heineken a distant second and the rest even further behind. The combined brand values of alcoholic beverages in the global 500 have grown 20% over the year. However Budweiser's brand value growth accounted for half of this with much of the rest being made up of brands such as Corona that have major operation in developing regions. Heineken has been unable to match Budweiser's growth, being slow to react to the growing market opportunities in Asia. It only managed to reach a similar position half way through December, and was unable to show any significant gains in 2009

Year : 2010	UPS	FedEx
Brand Ranking	44	88
Brand Value	13,170	8,588
Brand Rating	AA+	AA-
Enterprise Value	61,885	26,679
Domicile	Unites States	Unites States

Source:- Brand Finance Global



FedEx has outperformed UPS with an increase in brand value of 35% and 11% respectively. All the top brands in the Logistics sector have seen an increase in brand value. Despite growth in both enterprise value and brand value, UPS has fallen 11 places in this year's Global 500. It remains the clear leader in the package shipping sector with placing a rather distant second at 88. In contrast, FedEx's improved brand value has seen their position rise by 11 places. FedEx is one of the current sponsors of the Formula One team McLaren whose cars are driven by Lewis Hamilton and Jenson Button of the UK. This gives FedEx exposure to an annual audience of 2.7 billion viewers

Source:- Brand finance Global

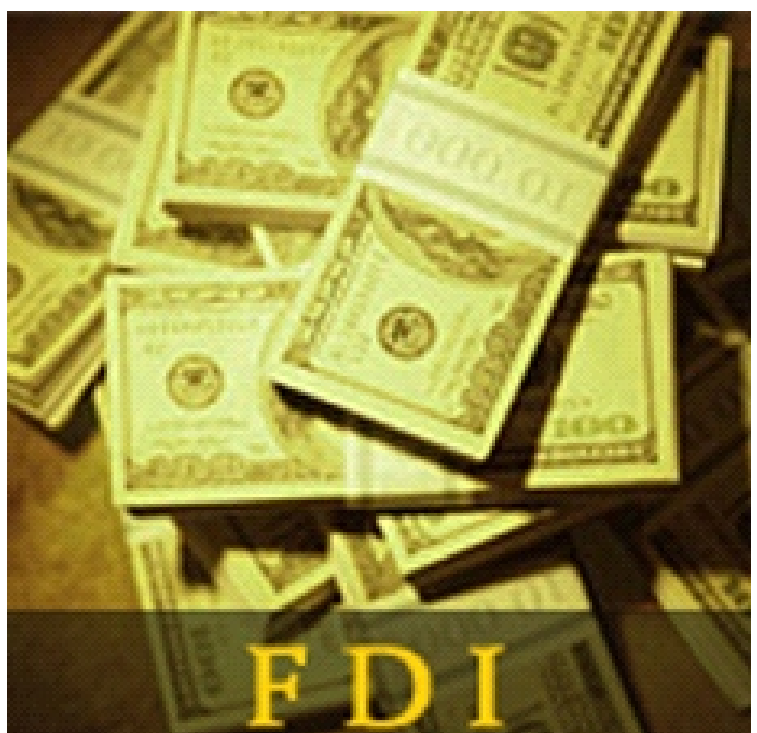
BOOSTING FOREIGN TECHNOLOGY TRANSFERS

India has made tremendous progress in building a policy environment to encourage investment. Foreign direct investment (FDI) in India is principally governed by the Foreign Exchange Management Act, 1999. In addition, the Department of Industrial Policy and Promotion (DIPP) issues various press notes from time to time, modifying the sectoral limits on FDI and specifying additional conditions for FDI in India. India has made tremendous progress in building a policy environment to encourage investment. The first hint of liberalisation of the IP regulatory framework came in November 2006, prior to which the regulatory rules required the Reserve Bank of India's (RBI's) approval for the purchase of a trademark or franchise. This restriction was removed and the RBI took a step towards liberalisation with a November 28, 2006 circular allowing an Indian entity to draw foreign exchange and freely pay for the purchase of trademarks and franchises in India without prior approval of RBI.



The "Licence Raj" has been largely dismantled. Restrictions on large-scale investment have been greatly relaxed. Many sectors formerly reserved to the public sector have been opened up to private enterprise. Import substitution and protectionism have been replaced by an open trade regime. Sectoral restrictions on FDI have been progressively removed and foreign ownership ceilings steadily raised. FDI approval procedures have been greatly liberalised. Foreign exchange restrictions related to investment have been relaxed. Experimental economic zones such as the Special Economic Zones have been established to test investment liberalization measures the next and arguably more substantial step came recently concerning the remittance of royalty and lump sum payments associated with technical collaboration or the use of trademarks and brand names. The Foreign Exchange Management (Current Account Transaction) Rules, 2000, until recently, allowed technical collaboration agreements to be entered into without prior government approval if:

- (i) Any lump sum payable did not exceed \$2 million.
- (ii) Any royalties payable did not exceed five percent for domestic sales and eight percent for exports (applicable regardless of the duration of royalty payment) Royalties were calculated using the net ex-factory sale price of the product, exclusive of excise duties, minus the cost of standard and imported components, irrespective of the source of procurement, including ocean freight, insurance and customs duties. Similarly, licensing agreements for the use of trademarks and brand names could be entered into without prior government approval if the royalties payable did not exceed two percent for exports and one percent for domestic sales. Any payment associated with a technology transfer or licensing arrangement that exceeded these limits required government approval.



Year : 2010	Walmart	FedEx
Brand Ranking	1	17
Brand Value	41,365	20,654
Brand Rating	AA+	AAA-
Enterprise Value	190,803	73,969
Domicile	Unites States	Britain

Source:- Brand Finance Global



Tesco has outperformed Wal-Mart in 2009 with an increase in brand value of 26% as opposed to Walmart's 1.8%. With regards to the top 10 brands in the retail sector, eight of the brands are domiciled in the US. A notable entrant in to the top 10 is ASDA which has seen its brand value rise by 53% and has risen to number 10. Walmart has been able to consolidate ASDA's market share in the UK but Tesco has not been able to make a significant impact in the US. ASDA currently has about 17% of the UK market which puts it second behind Tesco which has about 30%. However Tesco's Fresh & Easy lags far behind the top 5 leading supermarkets in the US with Walmart comfortably leading the way. **IP&B**



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On a critical note, now that royalty payments are outside the purview of government regulation and will be determined through negotiation between the parties involved, it may compromise the bargaining position of an Indian subsidiary against; multinational parent. For example, a parent company could charge its Indian subsidiary excessive royalties, which could adversely affect the interests of the subsidiary's minority shareholders.

In conclusion, the government has significantly liberalised the regime for foreign technology agreements and trademark licensing arrangements, which is surely a step in the right direction, leading to growth of the Indian market .



IP issues in Advertising Industry



Kritiman Sharma

“A hidden connection is stronger than an obvious one”.

FROM THE CEO OF MABBITT COMMUNICATION PVT LTD.

In the world of advertising many hidden connections exist, which need to be moderated. Most countries have advertising guidelines which address issues such as unfair business practices, false associations, unauthorized use of products, parody and surrogate advertising. In many countries, advertising guidelines are issued as specific trade practice guidelines. It is important not only to look at the guidelines that may be prescribed by the relevant authority, but also to examine those in other countries where the advertisement could appear thanks to the effect of advertising using the Internet, mobile networks or satellite television. In India, the Code of Advertising Practice of the Advertising Standards Council of India (ASCI) has no legal status; however, it is binding on all advertisements that are displayed in India through a notification in the Official Gazette. It applies to: Advertisers, advertising agencies; and advertisements that are created abroad but released in India. ASCI is a voluntary Self-Regulation council, registered as a not-for-profit Company under section 25 of the Indian Cos. Act. The sponsors of the ASCI, who are its principal members, are firms of considerable repute within Industry in India, and comprise Advertisers, Media, Ad. Agencies and other Professional/Ancillary services connected with advertising practice. Any complaints against an advertisement should be addressed to the ASCI.



Which IP rights?

The elements of a good advertisement are likely to be imitated or copied by others. So, businesses need to be aware of the various IP rights that can come into play when creating content for an advertisement or running an advertising campaign. Protection of relevant IP rights Several elements of an advertisement, such as the protection of the Yahoo! yodel as a sound mark; the colour combination of red and white for Colgate; the colour yellow for Pedigree; and Disney characters such as Mickey Mouse and Donald Duck may be protected under trademark law, whereas the advertisement in its totality may be protected under copyright law. Further, under copyright law originality is important, rather than distinctiveness as prescribed under trademark law. Therefore, it is possible that all aspects of an advertisement may be protected by copyright, while some aspects may be protected under trademark law. These are summarized in the table below.

Elements of Advertizing	Possible means of protection
Creative content, such as written material, Photographs, art, graphics, music and videos	Copyright
Slogans and sounds	Copyright and/or trademark law
Signs, including business names, logos, product names, domain names	Trademarks
Geographical indications	Laws against unfair protection laws; laws for the protection of consumer protection laws; laws for the protection of Consumer protection laws; laws the for protection certification marks; special laws for the protection of geographical indications or appellations of origin
Computer-generated graphic symbols, screen displays, graphic user interfaces (GUIs)and even web pages	Industrial design law
Website design	Copyright
Software to create digital advertisements, such as computer generated imagery (CGI)	Copyright and/or patents, depending on the national laws
Some advertising techniques or means of doing Business	Patents or utility models
Distinctive packaging, such as the shape of a container	Trademark, industrial design or, in some countries trade dress
A person's identity, such as name, photograph image, voice or signature	Publicity or privacy rights
Databases, for example of consumer profiles	Copyright or by sui generis database laws

Prevention of trademark dilution

Dilution of trademarks can occur inadvertently through advertising. An advertisement which uses trademarks to advertise products should make certain that it does not dilute, reduce or blur the mark in any way. Such dilution may occur through: tarnishment degradation parasitism; or freeloading. Any unauthorized use of trademark by a competitor in which it seeks to ride on the coat tails of the mark and benefit from the mark's goodwill and reputation results in the dilution of the mark. The unauthorized use of trademarks such as OLYMPICS and SUPERBOWL has been highly contested by the mark owners in order to prevent freeloading and dilution. The types of advertisement prohibited under the ASCI guidelines include advertisements which: incite people to commit a crime or promote disorder and violence or intolerance; deride any race, caste, creed or nationality adversely affect friendly relations with a foreign state directly or indirectly promote restricted or prohibited goods or use particular prohibited words. For example, use of the word 'free' to describe a scheme or a product must comply with the code and the law. In India, the use of the word 'free' in the offer "Buy one, get one free" is governed by the ASCI code and the Consumer Protection Act 1986. No advertisement can be framed so as to abuse the trust of consumers or to exploit their lack of experience or knowledge.

Where a claim is made that if one product is purchased another product will be provided 'free', the advertiser is required to show, as and when called upon by The Advertising Standards Council of India, that the price paid by the consumer for the product which is offered for purchase with the advertised incentive is no more than the prevalent price of the product without the advertised incentive. Advertisements for gambling are prohibited in India. The ASCI code, suggests that use of the words 'gaming' and 'casinos' should be avoided. Even the incorporation of a visual representation of a gaming room or table could be construed as indirect advertisement.

Gambling Advertisements

Comparative advertising

A trader is entitled to boast about its product for the purpose of its promotion only, however untrue the boast may be, and for that purpose can even compare the advantages of its goods over the goods of others. However, it cannot mention the competitors' goods in a disparaging manner. The Consumer Protection Act 1986 allows a consumer association, the central government or a state government to take up a case of unfair trade practice before a consumer forum. Consumers can also bring such an action before the ASCI. Therefore, advertisers should ensure that an advertisement does not dilute its brand value and that they have cogent facts to back up their claims.

The Emblems and Names (Prevention Of Improper Use) Act 1950 prohibits the use of certain names, emblems and pictorial representations in advertising.

These include: The Indian national flag; the name, emblem or official seal of the government of India or any state, or any other insignia or coat of arms used by any such government or by a department of any such government; and pictorial representations of Mahatma Gandhi, Pandit Jawaharlal Nehru or the prime minister. The use of any such names or emblems is strictly prohibited and a violation is punishable by a fine of up to Rs500.

Keyword advertising

Advertising today is not limited to print and television; the importance of protecting a brand and other intellectual property over the Internet is becoming essential to prevent damage to goodwill and reputation. A few such measures include the following. Metatags the use of keyword advertising through sponsored links by the use of metatags constitutes unauthorised use in commerce. Such metatags may be placed in: Browsers; proxies; search engines; and content management systems. Such search terms should also be protected under trademark and copyright laws to ensure that no surrogate or unauthorised advertising takes place.

'Hate' sites

A quickly evolving phenomenon on the Internet is the 'hate' or 'gripe' site. A hate site invariably uses its victim's trademark or a slight variation in its domain name. Its objective is solely to damage the reputation and goodwill of the victim. In such cases, an action for


Surrogate Advertising

Several products and services cannot be advertised in India (eg, tobacco, alcohol). An action for surrogate advertising can be taken against an advertisement if there is misrepresentation that is likely to deceive or confuse the public and this misrepresentation has damaged or will damage the goodwill of the claimant. An advertisement must ensure that it does not fall within the ambit of surrogate advertising, whether knowingly or unknowingly. Personality rights and parody a celebrity or a well-known figure has rights to his or her personality and persona. Such rights may be infringed by advertisements. Two types of legal action can be taken against advertisers.

Defamation

If the well-known individual is being parodied, an action for defamation may be instigated. An advertisement which depicts an event or occurrence that is in the public domain shall not qualify as an 'untrue statement'. Parody in commercial use is not a valid legal defence in India.

Fraud and misrepresentation

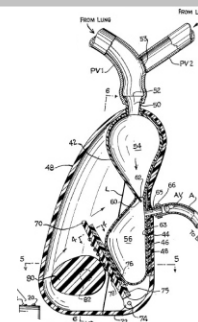
Unauthorised use of a celebrity's picture, caricature or animated character to endorse a product may be prosecuted for the tort of fraud and misrepresentation, as well as injury to the celebrity's goodwill. Such advertisements help to create brand value as they communicate to consumers universally. For example, HSBC's 'Red Border' campaign has been successful in establishing the bank's transborder reputation and enhancing its goodwill by avoiding the regional language trap. Its message that it caters to all, without boundaries, is conveyed without the need for words. It is powerful, evocative and makes an impact. In light of the concerns discussed above, it is important that: advertisements do not violate any applicable laws; the advertiser carries out due diligence to check what can be protected and to protect what is "intended for commercial exploitation"; and the advertisement enhances the brand value. Advertising as a business strategy is a powerful tool for enhancing, maintaining and developing brand equity. Therefore, it is imperative for companies to protect the content of an advertisement and to ensure that it is in line with the applicable laws. 



Human Heart was discovered around 4th Century BC by physician of Hippocrates school.

**A TOAST TO RECOGNIZE
NEW POSSIBILITIES OF
INNOVATIONS.**

**Start innovation
with
patent protection**



Artificial Human Heart was patented in 19th Century By P. Winchell.

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- ➡ Help companies evaluate their innovations worth

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THE SERIOUS SIDE OF FASHION INDUSTRY

Protecting the legacy of the Ritzy brand Gianni Versace SPA through patents and copyrights was perhaps the most important strategy adopted by Donatella after Gianni Versace died dramatically on July 15, 1997. Brand Versace got its time-honoured 'Medusa Head' logo protected in 1998. And now the brand's logo is safe till 2013. An artist getting inspired by another's work is no surprise in the case of creative industries but when this alleged inspiration borders on plagiarism, while Italian designer brands like Versace, Cavalli, and Prada have resorted to both legal and police action to protect their IPRs, in the Indian scenario, leave accusations flying left and right, extremely less has been actually done legally and objectively by Indian fashion designers. On the macro front, there obviously is an immediate need to educate the Indian fashion industry about IPR protection. The Indian fashion prêt industry is set to grow much faster than expected previously and is likely to touch Rs.7.5 billion by 2012 (Fashion Design Council of India stats). The Fashion Foundation of India (FFI) a newly constituted body consisting of leading designer from India seeks to protect IP rights against rampant copying - Referencing and Inspiration. It actively research through its Research and Analysis Cell and commission studies to bring forth various aspects of the fashion industry. It will also set up a legal cell to assist the design houses in matters including IPR, licensing, contracts and, arbitration. Only design houses can apply for membership of the Foundation and a business representative nominated by each design house will be a member of the Foundation With consumers increasingly shifting their focus towards designer wear, with a number of Fashion Weeks burgeoning like never before, and with the western media taking a note of the Indian developments, the designer wear industry now contributes almost half of the total revenue generated by India from textile exports. And as it happens, with fame and rising competition among designers to create more and quickly, the creative minds of many end up following the 'inspiration and improvement' way of creativity. The intellectual property regime in India provides for protection under the Designs Act 2000, the Copyright Act, 1957 and the Geographical Indications of Goods (Registration and Prohibition) Act, 1999. Although there seems to be three distinct legislation that protect three distinct characteristics in the process and lifetime of the fashion apparel or the accessory. The artistic work in the sketches of the designs is Each catering to different clientele differentiated by the ability to purchase.





This trend of creating different lines makes the logo and brand available to the not so elite category for a cut above the lesser known brands, thereby limiting act of piracy and acts of referencing. Similarly some instances of unauthorized imitation may continue to occur in cases of personal consumption and use where individuals may have apparel and dresses created by the local tailor or seamstress as an imitation of a popular design for personal consumption. Notwithstanding the moral rights argument in favour of the author in respect of his creations. The fashion industry's response is its stimuli to a market that has only of recent occurrence that the European Court granted an award of \$383.000 for an infringement of a tuxedo dress, while Yves Saint Laurent was fined a sum of \$11.000 in 1985." It makes one sit back and think whether IP vis-a-vis the fashion industry should be viewed and expanded from the perspective of the industry that has shown a resilience to the continual piracy or from the perspective of the author who would want to exercise his moral rights in respect of the creative works and thereby benefit from such appropriation. In spite of a number of legislation to curb unauthorized imitations piracy and other acts causing infringement of intellectual property the inherent nature of this industry makes piracy a positive test of its popularity protected under the Copyright Act 1957. The Designs Act 2000 is so drafted to permit protection of the non-functional aspects of an object. The Third

schedule to the Design Rules, 2001 provides an exhaustive list of products and articles in respect of which an application may be made to the Controller. Such a design right remains in force for a period of ten years extendable subject to conditions. for a total period of 15 years. Noting India's diversity in traditional knowledge and other indigenous art forms, the current regime also affords protection through the G1 Act, 1999. The Fourth schedule provides for a classification of goods protect able under the Act. It is evident from the way a large number of apparel houses operate that the revenue model consists of obtaining the huge returns by licensing the trademark to smaller production houses. This trend creates different markets under the same logo by creating different clothing lines. For instance designer Armani operates about 3 different lines offering similar designs with a difference in quality depending upon the price, that are identified by different logos Armani exchange Emporia Armani. and Giorgio Armani. 

Inspiration or Copying



HOLLYWOOD VS BOLLYWOOD

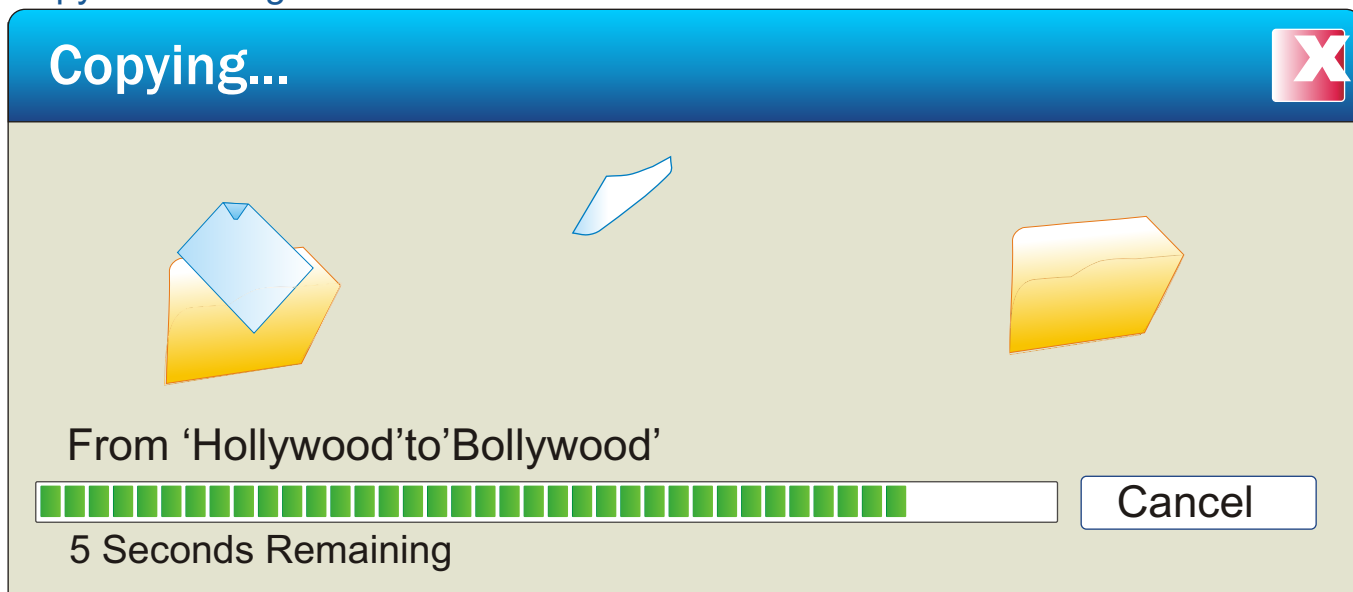
BOLLYWOOD ITS THE REALLY
SHARP GAME PLAY FOR COPY **HOLLYWOOD**

FOR EXAMPLE.....



Indian Film Industry- Copyright Infringers or Inspirations?

Copycat Gaming



On July 7, 1896, India's first cinematographic film was shown in Mumbai. Today, India's mammoth film industry produces more movies than any other country in the world and employs over two million people. In recent years, nearly eight out of every ten Bollywood scripts have been "inspired" by one or more Hollywood films. Previously, this widespread problem was not visible to those outside of India. The emergence of the Internet and better global communications, however, has made westerners more aware of the cultural copy situation in India. The International Intellectual Property Alliance (IIPA) ranks India's amended 1957 Copyright Act as one of the most modern copyright statutes of any country. Despite its substantial domestic de jure copyright protections, India remains on the "Priority Watch List" primarily because of high piracy rates and lack of appropriate enforcement measures. Almost eight out of every ten Bollywood scripts were recently "inspired" by one or more Hollywood films. There are screen writers who are so adept at plagiarizing that they can have a cultural copy of a Hollywood movie ready by the very same day as that film's North American premier. In fact, many producers and directors prefer cultural copies because the stories have proven box office appeal. Despite the fact that Hollywood studios have yet to take action against the Indian film industry, it is apparent that there is a problem. A studio will likely try to enforce its copyright in the near future. The United States entertainment industry as a

becoming increasingly aware of possible copyright infringements and increasingly litigious as it is forced to respond to new technologies. For example, the Recording Industry Association of America (RIAA) has intensified its efforts to curb internet file sharing, a relatively new phenomenon. From the onset of its lawsuit campaign in September 2003 through mid-June 2004, RIAA sued well over 3,000 individual files wrappers for copyright infringement. As Bollywood films gain more prominence in America, movie studios are similarly bound to try to enforce their copyrights. However, Indian courts have held that a work "inspired" by another copyrighted work is not necessarily a copyright infringement. Copyright infringement hinges on whether a substantial portion of the original work has been copied as long as the theme of the "inspired" work is treated differently from its inspiration, there is no violation. India has taken some steps to remedy the situation. Although most of the measures address the larger piracy problem, they nonetheless indicate India's willingness to address IPR issues. India has implemented a special copyright enforcement advisory council with a judiciary commissioner who is charged with developing and coordinating IPR policy. Since India is trying to be a bigger player in the global market place, trade sanctions are likely to have the greatest effect. Additionally, sanctions have succeeded in the past. Leading Bollywood studios such as Reliance Big Entertainment, Yash Raj Films,

UTV Motion Pictures, Eros International and Studio 18 have joined hands on Thursday with the Motion Picture Association of America (MPAA) to set up an anti-piracy coalition. Cultural contexts are a part of international cinema but the right way to do it is to obtain the proper license. Clearly there is a problem with cultural copies in India. Remaking and borrowing ideas from other countries is nothing new and is not altogether a bad

phenomenon, so long as proper authorization is obtained from the right holder. Rich Taylor, the Vice President of Public Affairs for the Motion Picture Association of America, concedes, "Borrowing ideas, scripts and remaking them in different cultural contexts are a part of international cinema" but the right way to do it is to obtain the proper license. [Read More](#)

MOVIE	INSPIRATION
Ghajini	Memento
Sarkar	The Godfather
Sing is King	Lady for a Day
Partner	Hitch
God Tussi Great Ho	Bruce Almighty
Rang de Basanti	All My Sons
Dhoom	The Fast and the Furious
Koi Mil Gya	E.T. The Extra-Terrestrial
Munnabhai MBBS	Patch Adams
Chak De India	Mighty Ducks
Baazigar	A Kiss before dying
Sholay	The Magnificent Seven
Speed	Cellular
Naksha	The Rundown
The Killar	Collateral
Krrish	Paycheck
Shaadi se Pahle	Meri Biwi Ki Shaadi
Zinda	Korean Movie Old boy
Ek Ajnabee	Man on Fire
Chocolate	The Usual Suspects
Salaam Namaste	Nine Months
Main Aisa Hi Hoon	I Am Sam
Aabra ka Dabra	Harry Potter
Kyon Ki	One Flew Over The Cuckoo's Nest

IPL T20



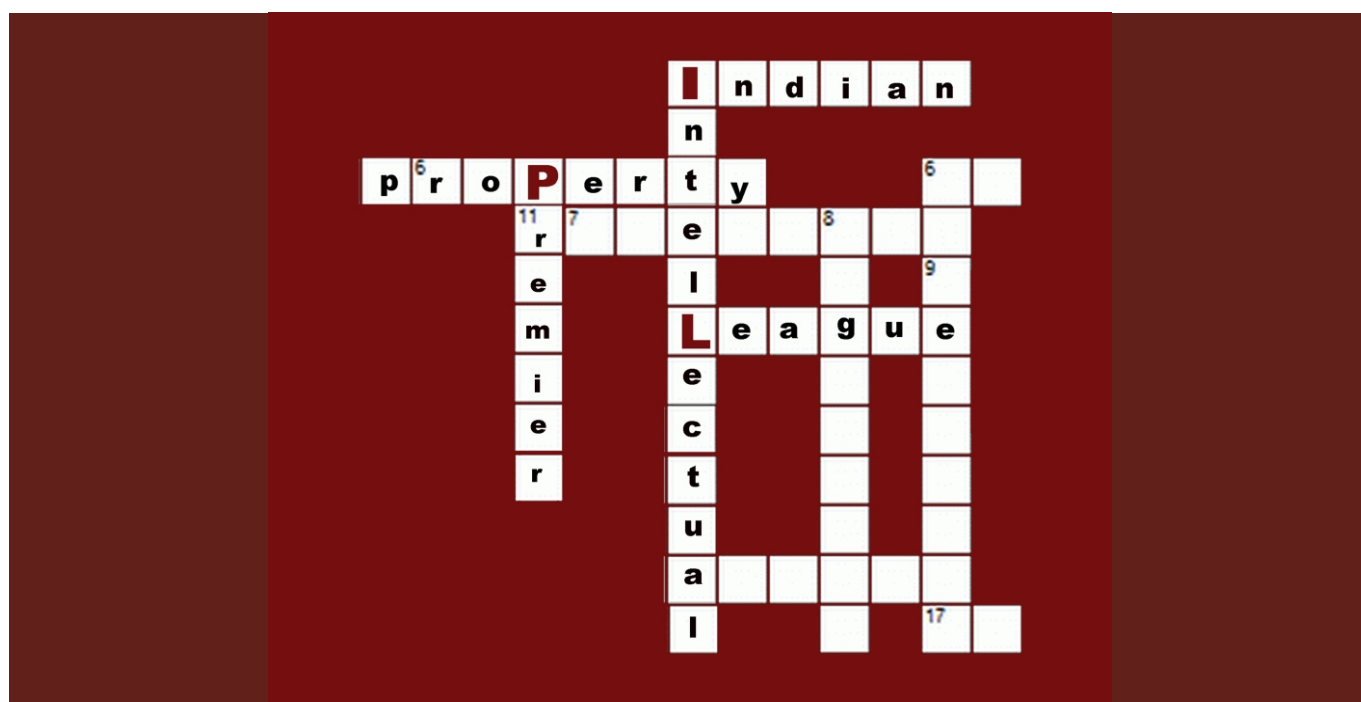
INDIAN PREMIER LEAGUE

Indian Premier League-Intellectual property League?

IPL stands for Indian Premier League and this is a Twenty20 Cricket Competition controlled and created by the Board of Control for Cricket in India (BCCI) which is also the richest cricket board in the world. The popularity of IPL has been massive across all cricket loving nations and the shift of the event to India again has enabled the sport to earn more media and world attention. One can judge the popularity of the game and the sensation it created from the possible conditions that big business players like Sahara India Group is now the owner of IPL-Pune and great controversies mushrooming up.

The UK-based brand consultancy, Brand Finance, has valued the IPL at \$4.13 billion in 2010. It was valued at U\$2.01 billion in 2009 by the same consultancy.





IPL ON THE ROLL

IP AND IPL RELATION

Third great season of IPL is over. Such events are made possible through the commercial participation of sponsors, partners and broadcasters. Each one is granted exclusive rights and privileges by the IPL and thus other unlicensed third parties should be prevented from undertaking unauthorized activities that damage or dilute IPL sponsors', partners' and broadcasters' exclusive rights. As a result, it is vital that the IPL Names, IPL Marks and IPL Footage are protected and managed by the IPL. If anyone could use the IPL Names, IPL Marks and IPL Footage for free, or could create or suggest an association with the IPL, there would be no incentive for sponsors, partners and broadcasters to invest.

The following are some of the current items that make up the IPL Names and IPL Marks:

- The DLF-IPL logo;
- The logos of each of the eight IPL franchises;
- The words "Indian Premier League©", "IPLTM", "DLF Indian Premier League", and "DLF-IPL" and variants thereof;
- The names of each of the eight IPL franchises; and
- www.iplt20.com

Also, still images and live or deferred footage of match play action constitute protected and proprietary IPL Footage.

The IPL Names, IPL Marks and IPL Footage are legally protected by a variety of means, which include trade mark and design laws, copyright laws, telecommunications laws relating to signal theft, common law and the terms and conditions under which IPL match tickets are sold and accredited stadium entry is permitted. Further, IPL tickets may not be resold for a profit or as part of hospitality packages by unlicensed travel agents or other entities.

INFRINGING INTELLECTUAL ASSET OF IPL

The IPL Names, IPL Marks and IPL Footage can be used with the license and authorization of the IPL or its authorised licensees that have been granted the rights to issue sub-licenses. Such license and authorization will only be given to official sponsors, partners, licensees and non-commercial partners. There are very few situations in which the IPL Names, IPL Marks and IPL Footage can be

used in commercial contexts without the IPL's explicit license and consent permissible commercial behavior can be in various forms- Public Screening. The IPL retains all rights to license commercial screenings of IPL Footage made available to members of the public or displayed in public places. Prohibited acts includes unlicensed display of IPL Footage in movie theaters, the sale of tickets or levying of a cover charge for entry to a location screening IPL footage or IPL themed screening events that use the IPL Names, IPL Marks or IPL Footage.

How much BCCI will earn?

The bidders pay only 10 per cent of the price they offered to buy each team, which means Mukesh Ambani's Reliance Group needs to pay a little over Rs36 crore for the first year, with similar amounts for the next 10 years. Of the total Rs 36 lac bid amount for the eight teams, the board will get about Rs 36 lac each year. The Board also earns money raised from the sale of TV rights (Rs 4,000 crore put up by Sony and World Sports Group). That amount is also to be paid over 10 years.

How do the franchisees make money:

Of the amount raised as TV rights each year, approximately 60 percent is distributed among the eight franchise owners as their income from TV rights. The franchisee also gets gate collection money can raise further revenue from logos on T-shirts, merchandising and other promotions.



MUKESH AMBANI
FROM CEO OR MD RELIANCE
GROUPS

Advertisement, promotions and events:

Advertisement features stating or suggesting an association between a brand, product, service or event and the IPL by using IPL Names, IPL Marks and IPL Footage are impermissible.

Websites:

That provide information about the IPL and are being operated on a purely non-commercial basis for example, a supporters' site used to provide information about players participating in the IPL, or a chat forum about the IPL are unlikely to infringe the IPL's rights. However, the creation of IPL specific communities that use IPL Names, IPL Marks and IPL Footage and solicit and raise sponsorships and advertising constitutes

Tickets and Hospitality Packages:

Tickets to IPL matches are sold under specific conditions. Primarily, these may be purchased through officially appointed ticketing agents for personal use. IPL tickets may not be used for promotion or as prizes in contests. The right to run ticket promotions is reserved for IPL sponsors and partners and is strictly prohibited by the tickets' terms and conditions.

Further, IPL tickets may not be resold for a profit or as part of hospitality packages by unlicensed travel agents or other entities. Commercial use of IPL intellectual property and are impermissible.

Business Names:

Adopting business or trading names that include IPL Names and using business logos that include IPL Marks or confusingly similar

Editorial uses, Newsletters:

Purely editorial use of IPL Names and IPL Marks for conveying information is a permissible use. The IPL Names, IPL Marks and, to a limited extent and subject to then current IPL Media Accreditation Guidelines, the IPL Footage may be used in editorial news pieces without the IPL's prior authorization. In certain circumstances when reporting and providing information on the IPL, journalists are able to use the IPL Names and IPL Marks to illustrate their editorial feature. However, this journalistic use exception with respect to IPL Names, IPL Marks and IPL Footage does not apply to the production and distribution of newsletters, client bulletins or other marketing collateral produced in the guise of journalism, which state or suggest an official association between a product, service or event and the IPL a sports, entertainment and media management company hired by IPL, IMG, conducted workshops this year for Ltd which owns Chennai Super Kings. All this was well thought of by IPL in advance. At the workshop, we were told to keep all our

contracts watertight besides going through guidelines relating to IP issues."Singh adds, "IPL guidelines have been put in place and we are using them as a blueprint but each team is left to what more it can do.

CONSEQUENCES OF SUCH INFRINGEMENT

While the IPL expects compliance with the above, it is prepared to take legal action, as appropriate, in the case of each infringement and violation. This could include an injunction to stop the infringing activity, a suit for damages or compensation or an enforced accounting of profits by the infringer to the IPL. Both civil and criminal remedies are available in the case of intellectual property violations, signal theft and other violations of the IPL's rights. Though there are no court cases yet in any Indian courts, going ahead, a "potential for litigation" relating to trademark infringement, ambush marketing and telecasting rights by IPL and the teams may arise.

Source: <http://www.iplt20.com/content-guidelines.php>

IPL-THE BRAND MATTERS.....

Since its inception in 2003, Twenty 20 has revolutionized the form of cricket and business too. To carry out brand valuation MTI consulting, the management consultancy and Intangible Business, the leading international brand valuation specialist has joined hands together for the first time.

Which of the IPL brand will rise to the value of Manchester United or Real Madrid is the new race? Unlike brands that have grown over time like Coca-Cola, here the brands have seen an exponential growth (in popularity) in a year. Significant sums are flowing into IPL to capture all emotions of cricket fans around the world and to develop strong club culture modeled on the success of the world's most popular sports brands.

Winner will change every year, performance will fluctuate, new players will roll in, some will retire with time but the brand will be constantly binding the fan club driving the long-term commercial sustainability and success of the IPL franchises.

Television rights and sponsorships

The IPL is predicted to bring the BCCI income of approximately US\$1.6 billion, over a period of five to ten years. All of these revenues are directed to a central pool, 40% of which will go to IPL itself, 54% to franchisees and 6% as prize money. The money will be distributed in these proportions until 2017, after which the share of IPL will be 50%, franchisees 45% and prize money 5%. The IPL signed up Kingfisher Airlines as the official umpire partner for the series in a Rs. 106 crore (15 million) deal. This deal sees the Kingfisher Airlines brand on all umpires' uniforms and also on the giant screens during third umpire decisions.

Television rights

On 15 January 2008 it was announced that a consortium consisting of India's Sony Entertainment Television network and Singapore-based World Sport Group secured the global broadcasting rights of the Indian Premier League. The record deal as a duration of ten years at a cost of US \$1.026 billion. As part of the deal, the consortium will pay the BCCI US \$918 million for the television broadcast rights and US \$108 million for the promotion of the tournament. This deal was challenged in the Bombay High Court by IPL, and got the ruling on its side. After losing the battle in court, Sony Entertainment Television signed a new contract with BCCI with Sony Entertainment Television paying a staggering Rs. 8700 crores (87 billion) for 10 years. One of the reasons for payment of this huge amount is seen as the money required to subsidize IPL's move to South Africa which will be substantially more than the previous IPL. IPL had agreed to subsidize the difference in operating cost between India and South Africa as it decided to move to the African nation after the security concerns raised because of its coincidence with India's general elections. 20% of these proceeds would go to IPL, 8% as prize money and 72% would be distributed to the franchisees. The money would be distributed in these proportions until 2012, after which the IPL would go public and list its shares (But recently in March 2010, IPL decided not to go public). Sony-WSG then re-sold parts of the broadcasting rights geographically to other companies. Below is a summary of the broadcasting rights around the world. On 4 March 2010 ITV announced it had secured the United Kingdom television rights for the 2010 Indian Premier League. ITV will televise 59 of the 60 IPL matches on its ITV4 free to air channel.

Sponsorships

India's biggest property developer DLF Group paid US\$50 million to be the title sponsor of the tournament for 5 years from 2008 to 2013. Other five-year sponsorship agreements include a deal with motorcycle maker Hero Honda worth \$22.5-million, one with PepsiCo worth \$12.5-million, and a deal with beer and airline conglomerate Kingfisher at \$26.5-million.

Official IPL Mobile Applications

DCI Mobile Studios (A division of Dot Com Infoway Limited), in conjunction with Sigma Ventures of Singapore, have jointly acquired the rights to be the exclusive Mobile Application partner and rights holder for the Indian Premier League cricket matches worldwide for the next 8 years (including the 2017 season). Recently, they have released the IPL T20 Mobile applications for iPhone, Nokia Smartphones and Blackberry devices. Soon it will be made available across all other major Mobile platforms including the Android,



Windows Mobile, Palm & others.

Official website

The IPL negotiated a contract with the Canadian company Live Current Media Inc. to run and operate its portals and the minimum guarantee has been negotiated at US \$50 million over the next 10 years. The official website of the tournament is www.iplt20.com. Incorporating popular forms of social media into the third season of the IPL, the website now contains a more holistic presence across all online mediums. The website apart from featuring new additions to empower user interaction, has encouraged a wider range of websites around IPL like IPL Tracker and IPL Mag amongst other more traditional reporting websites.

BCCI vs.Zee









The Board of Control for Cricket in India (BCCI), the apex governing body for the sport in the country, has objected to dozens of twenty-twenty related trademark applications filed by Essel Sports Private Ltd. Essel Sports is a part of Subhash Chandra-led Zee group, which is the force behind the Indian Cricket League (ICL). The ICL runs parallel to the BCCI's Indian Premier League (IPL), although both the leagues conduct cricket tournaments in the 20-20 format. The BCCI has opposed Essel's move to get registered in its (Essel) name various trademarks involving phrases like Twenty-Twenty and its many other combinations, as per the information available from the Controller General of Patents Designs and Trademarks under the Ministry of Commerce and Industry. Some of such trademarks include T20, T Twenty, 20-Twenty Cricket, Twenty-Twenty Cricket, Twenty-20 Cricket and 20-20 Cricket









THE BEGGET BRAND VALUES

RANK	BRAND	VALUE
01	KOLKATA KNIGHT RIDERS	\$ 22 m
02	DELHI DAREDEVILS	\$ 19 m
03	CHENNAI SUPER KINGS	\$ 18 m
04	MUMBAI INDIANS	\$ 17 m
05	KINGS XI PUNJAB	\$ 15 m
06	ROYAL CHALLENGERS BANGALORE	\$ 14 m
07	HYDERABAD DECCAN CHARGERS	\$ 11 m
08	RAJASTHAN ROYALS	\$ 10 m



BRAND SCORES BY MEASURE

	HERITAGE	POPULARITY	INT. SALIENCE	INDIA SALIENCE	LOYALTY
	1 0 %	6 3 %	3 2 %	6 0 %	7 1 %
	1 0 %	3 6 %	6 1 %	7 7 %	8 7 %
	1 0 %	4 1 %	6 1 %	6 1 %	8 0 %
	1 0 %	4 5 %	1 1 %	9 8 %	6 8 %
	1 0 %	4 7 %	5 1 %	7 2 %	9 3 %
	1 0 %	4 2 %	5 0 %	7 9 %	7 8 %
	1 0 %	4 2 %	6 4 %	5 2 %	7 8 %
	1 0 %	3 0 %	5 4 %	4 8 %	5 0 %

	PRICE PREMIUM	IPL RECORD	OWNER EQUITY	AWARENESS	PERCEPTION
	4 0 %	4 0 %	5 7 %	6 1 %	5 4 %
	7 4 %	6 0 %	3 8 %	4 0 %	5 0 %
	4 2 %	8 0 %	3 4 %	4 9 %	4 9 %
	5 3 %	5 0 %	5 3 %	5 6 %	5 2 %
	3 5 %	7 0 %	4 4 %	4 8 %	4 9 %
	4 2 %	3 0 %	5 6 %	5 0 %	5 2 %
	4 0 %	2 0 %	3 5 %	4 0 %	4 1 %
	2 4 %	1 0 0	4 2 %	5 6 %	5 6 %

PLAYERS FOR



**SALE
OFFER**

IPL

1. KOLKATA KNIGHT RIDERS

Kolkata Knight Riders is the franchise representing Kolkata in the Indian Premier League.

The team is owned by Bollywood actor Shah Rukh Khan's Red Chillies Entertainment for USD 75.09m. Kolkata Knight Riders far exceeded the expectation of competitors and compatriots in terms of fan following and the success of its brand and business. Shahrukh Khan, who has emerged as a brand, is selling not only through Bollywood movies but also through new endorsements. Khan's popularity has helped in enhancing the brand image of



Kolkata Knight Riders. The 'Shahrukh Khan' brand and the in-stadium marketing strategies of the team have influenced the team's brand value resulting in higher income from gate receipts, merchandising revenues and by attracting new team sponsors. Financially, the Knight Riders were the most successful franchise in the IPL, achieving a profit of USD 2.6m, due in large part to Shah Rukh Khan's marketing strategy. In the first IPL season, for example, footwear and apparel maker Reebok made a neat profit by selling KKR-branded T-shirts and jerseys. Reebok, the merchandise partner of KKR, sold merchandise of over Rs 5-7 crore in Kolkata alone. This, when SRK jerseys were priced at Rs 1,899 each and T-shirts at roughly Rs 500. As Reebok failed to meet the demand, fake KKR-SRK apparel gained currency. Kolkata Knight Riders has added Lux Hosiery Industries Ltd's Lux Cozy innerwear as well as energy drink "XXX" to its list of advertisers this season. The controller general of patents, designs and trademarks' registry shows trademark applications from Kolkata Knight Riders, owned by actor Shah Rukh Khan, for financial services, insurance, websites, telecom, entertainment and beauty care products.

2. DELHI DAREDEVILS

Delhi Daredevils, representing Delhi in IPL, is owned by the GMR group. During the IPL Franchise auctions, GMR group acquired the rights of the Delhi team for USD 84m. Delhi Daredevils were able to attract bigger sponsors this year. Delhi Daredevils earned a good brand value score that was depicted by higher income from gate receipts and merchandising comparing to other teams. A strong squad, popular brand ambassador and a well known owner has helped Delhi Daredevils in creating a good awareness and perception about the team. The team enjoyed good results in 2008, winning seven matches and being a semi finalist where the team lost to Rajasthan Royals. Virender Sehwag is the skipper of the side.



3. CHENNAI SUPER KINGS

Chennai Super Kings representing Chennai in the IPL is owned by India Cements which acquired the franchise rights by paying USD 91m. Though India Cements is a lesser known group across the country, except for southern part of India, India Cement has been able to create a strong brand identity with this team. The purchase of MS Dhoni, under whose captaincy India won the world T20 championship, was the key factor in creating a large awareness, a stronger perception and gave great mileage for creating a strong brand for Chennai Super Kings. The team is led by Indian captain M S Dhoni who was purchased for USD 1.5m the highest in 2008. Last year, no teams did any merchandising beyond T-shirts. This year the revenue has gone up considerably from this for the teams that are doing well. As we move forward and merchandising



starts on a larger scale worldwide, all such issues become important," says Rakesh Singh, head of marketing, India Cements Ltd which owns Chennai Super Kings. Chennai Super Kings is breathing new life into Orient Fans, a 56-year-old company that is riding on the IPL frenzy to revive its brand image. The team has also signed on UniverCell Telecommunications India Pvt. Ltd, a Chennai-based mobile retailer, as its below-the-line partner to carry out local promotions for the team. While more brand associations generate revenue for the IPL franchisees, it is really the small advertisers that benefit from the exposure. "It is not very expensive for local and small advertisers to partner with teams and the kind of visibility the brands get in return is worth it," said Rakesh Singh, marketing head of Chennai Super Kings.

4. MUMBAI INDIANS

Mumbai Indians represents the city of Mumbai in the Indian Premier League. Reliance Industries Limited (RIL), through its subsidiary Reliance Retail Ltd, purchased the rights for the Mumbai franchise of Indian Premier League for a total of \$111.9 million. The RIL bid has made Mumbai Indians the most expensive franchise in the IPL. The stars of Mumbai's foreign contingent have more players from the Asian sub-continent and very few names from other test nations. The team had less mileage outside India as it had less or no players representing their nation other than Sri Lanka and South Africa. While the foreign players are a little lightweight, the Indians in the Indians' side definitely pack a punch. Income from gate receipts and merchandising were diluted due to Sachin missing the initial few matches of the season. However, the situation reversed on the return of the 'Little Master' and the Mumbai Indians were the most watched team on television in the first edition of the IPL tournament with 239m viewers. This pushes the team higher up the brand strength rating, although it is counterbalanced by the lack of an internationally relevant player profile. Mumbai Indians have filed trademark applications for cosmetics, musical instruments and photographic and cinema equipment, among others.



5. KINGS XI PUNJAB

Kings XI Punjab is the team representing Mohali in the Indian Premier League. The owners of the franchise include Preity Zinta, Ness Wadia (Bombay Dyeing), Karan Paul (Apeejay Surendera Group) and Mohit Burman (Dabur). The group paid a total of \$76 million to acquire the franchise, the sixth most expensive team. Having popular owners could not help the team in creating a strong brand identity and the team failed to attract big sponsors last year. This led to lower income and a smaller ground and audience capacity affected the gate receipts for Punjab which resulted in low rating in terms of brand value. With a consistent performance throughout the season the team was able to attract consistent audience numbers and developed a loyal viewership.



6. ROYAL CHALLENGERS BANGALORE

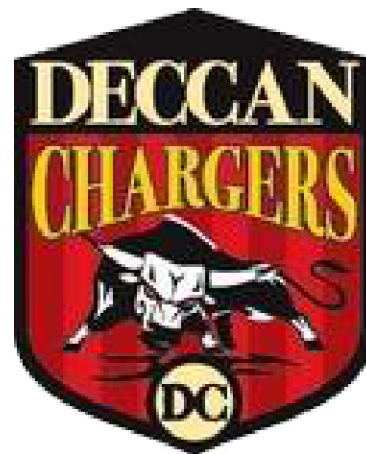


Royal Challengers Bangalore (BRC) is the team representing the city of Bangalore in the Indian Premier League. The team is owned by the liquor magnate Dr. Vijay Mallya, through his flagship firm UB Group, having bought the rights for USD 111.6m. Despite huge investment in buying the franchise it all went wrong in the team selection, the team had more test players than T20 players. Adding fuel to the fire, the Indian media has also come up with similar interpretations, describing this team as "Tests players wearing Twenty20 jerseys". Critics were proved to be right at the end of the tournament with the team finishing 7th overall, which led to complete restructuring of the team's management committee. The CEO Charu Sharma and coach Venkatesh Prasad were replaced by Brijesh Patel & South Africa's former coach Ray Jennings respectively. In 2008, the BRC had a lot of glamour associated with it as it had the cheerleaders

From the Washington Redskins as its own cheerleaders and the glamour quotient was furthered by the presence of Katrina Kaif as the brand ambassador. Despite high investment and glamour, the BRC was lacking an eleven member squad that can fit to T20 version, which resulted in lower income from gate receipts and merchandising revenues eventually led to lower brand rating.

7. HYDERABAD DECCAN CHARGERS

Deccan Chargers is the franchise team that is representing Hyderabad in IPL. The team is owned by the media house Deccan Chronicle and was acquired at a cost of USD 107m. Despite having a strong team, Deccan Chargers have failed to create a strong brand identity. Rodney D. Ryder, partner at law firm Kochhar and Co., is helping his client, the Hyderabad-based cricket franchise Deccan Chargers, create a unique IP portfolio, including trademarks for team logos, copyright over player uniforms and website layouts. The objective is to protect IP, make a profit and increase brand valuation. Darshan M., vice-president of commercial operations at Deccan Chargers, says he couldn't help but notice how small shops in "every nook and corner" in cities such as Chennai and Bangalore were selling cigarette lighters with his team's logo on it. Fake products of bad quality could have fans associating the experience with the team and its brand. Deccan Chargers has applied for trademarks to merchandise and manufacture numerous products. Besides obvious trademarks for clothing, footwear and sporting articles, it has filed applications for consumable products such as meat, tobacco products, tea, coffee, mineral and aerated water




8. RAJASTHAN ROYALS

Rajasthan Royals, representing the state of Rajasthan in IPL, was the least expensive franchise bought at USD 67m by Emerging Media Group. Winning the tournament in IPL 2008 has helped Rajasthan Royals attract better sponsors this year. This year popular actress and Celebrity Big Brother winner Shilpa Shetty joined the stakeholders list of the team. If Shetty's popularity can be leveraged, this may provide a good platform from which Rajasthan Royals can strengthen its brand value. Although it is the least fancied team in IPL 2008, the team had an exceptional record of 11 wins and defeated Chennai Super Kings in the Finals to be crowned as the first IPL Champions. The team is led and coached.

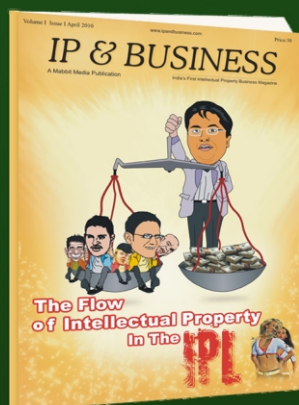
For Moov IPL will indeed be their launching pad. "It makes sense for us to tie in with Rajasthan Royals on IPL because we have just launched a new variant called 'Neck and Shoulder' pain relief, which is targeted at working men and women and a majority of IPL viewers

fit our target audience," said Ajay Rawal, general manager (marketing) at Paras Pharma. The more IP you protect the more property you create. It is akin to protecting tangible property. If you don't have an IP portfolio, it's like saying I have possession of a house but don't have the papers. IP will become especially important as the tournament evolves and teams go up for sale.

The teams are basking right now in the event's popularity and are still coming to terms with numerous business and legal issues. So there hasn't been any legal action against misuse of IP. We have not yet reached that stage. Misuse of IP, he says, can be a "double-edged sword" it hurts revenues but also reflects the popularity of the event and the teams. 

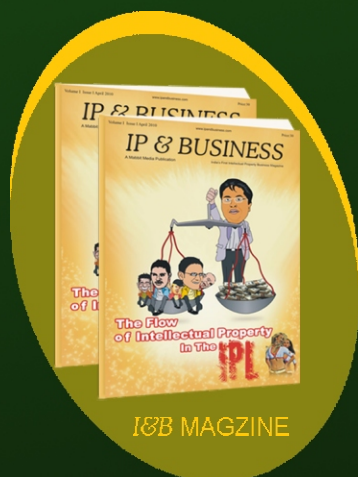


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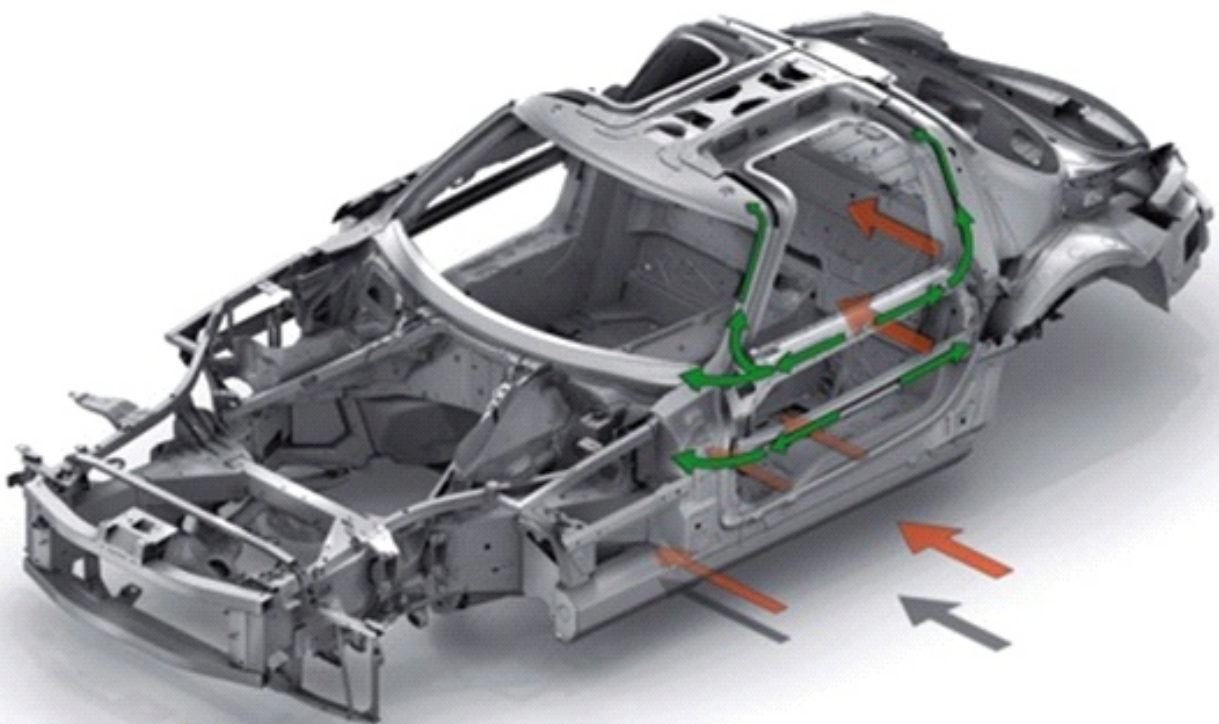
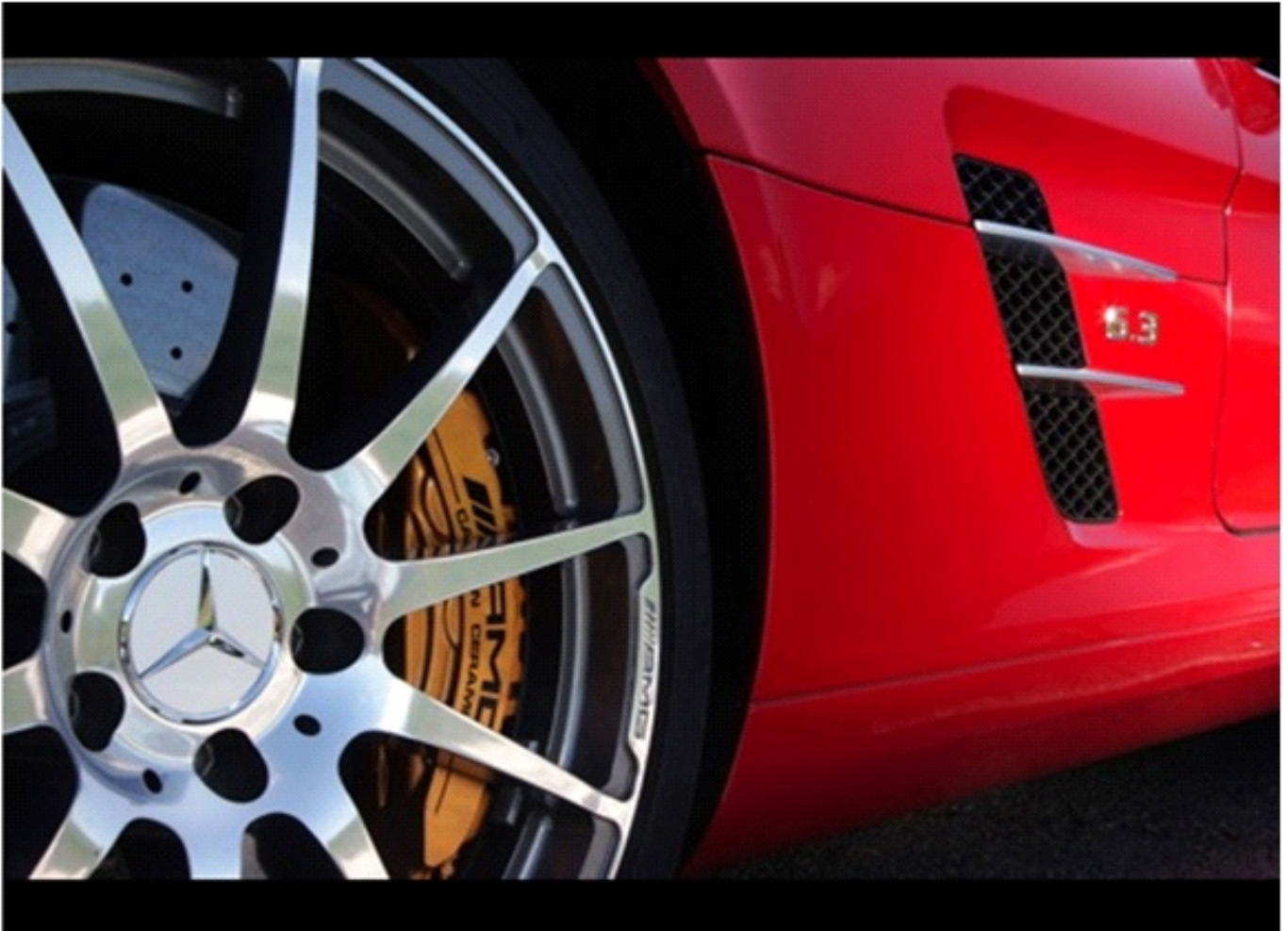
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INNOVATION-Tech Cars

The Mercedes-Benz





A tried-and-true trick in the auto industry is to resuscitate an old but elegant design while stuffing it with new technology. Daimler has pushed the concept to a whole new level with the Mercedes-Benz SLS AMG. It's a deliberate evocation of the most stunning design of all time, the 1954 300SL "Gullwing," whose doors opened like the wings of a bird (or an insect, if you want to get technical about it). Throw on another winglike structure that pops up at the back, pasting the wheels to the ground at speed and during braking and you're definitely in supercar territory. Indeed, reports say the SLS AMG will be priced at around 175,000 in Europe, where it'll be introduced this year, and somewhere north of US \$200,000 in the United States,

The car's list of tech features is long: a lightweight aluminum chassis and body; a 6.3-liter V-8 engine generating 420 kilowatts (563 horsepower); a seven-speed, dual-clutch transmission; a carbon-fiber driveshaft that rotates at engine speed to power the transmission directly; ceramic composite brakes; and a dry-sump oil system that uses special pumps to scavenge oil, which allows for a smaller oil pan and lets Mercedes give the car a superlow center of gravity. That feature, plus a front-to-rear weight distribution of 48:52, means the 1,620-kilogram car handles like a fighter jet. The ultimate tech feature, though, will come later, in an all-electric iteration pegged to debut sometime between 2011 and 2013. That model will have an electric motor for each wheel, generating a combined 392 kW (525 hp). **I&B**

(verb) = go in]

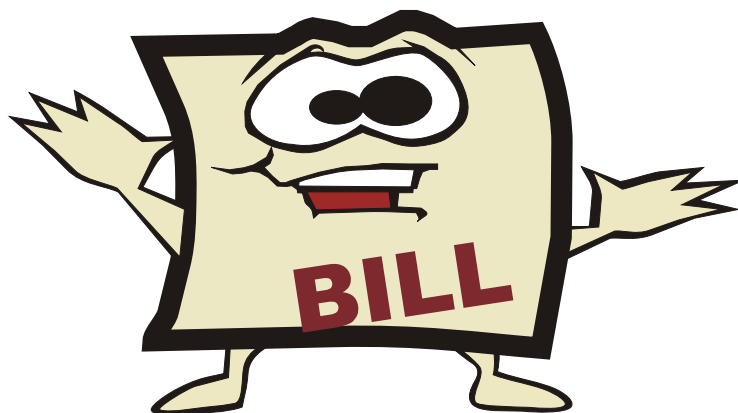
innocent /'ɪnəs(ə)nt -adj. **1** free from wrong; **2** (usu. foll. by of) not guilty etc.; **3** simple; guileless; **4** harmless person, esp. a young child. **innocently** adv. [Latin *nocēre* hurt]

innovate /'nɒvɪt/ - n. **1** advantage; benefit. **2** financial gain; excess of over outlay. - v. (-t-) **1** (also *adv.*) to be beneficial to. **2** obtain advantage (profited by experience). □ at a profit. **PROFICIENT**

innuendo /ˌɪnjuˈen.dʒu/ n. (pl. -s) a remark or hint, usu. disparaging or insinuating, intended to harm or mislead. [Latin, = by nodding at]

US REFORM BILL 2010

When a patent is infringed for the benefit of the government, the patentee may have rights but cannot sue to stop the infringement. Under current U.S. federal regulations, the only remedy available to a patentee



whose patented product or method is used "for the Government" is to sue the government for reasonable royalties in the United States Court of Federal Claims in Washington.

The court would eliminate the one-year grace period unless the inventor was the "first-discloser." A "derivation" proceeding would replace interferences. The Patent Reform Bill 2010 is the latest incarnation of an initiative that has been in the pipeline for several years. In 2005, 2007 and 2008 senators tried to pass reform bills, but they petered out in the face of opposition or ran out of time in the congressional session. In April 2010 Managers Amendment is an amended version of the 2009 iteration, proposed by Republican and Democrat senators. Given that US patent laws have not been significantly reformed in more than 50 years, most agree that some updating is necessary, and if only to take account of the changes to the IP landscape that have taken place in the interim.

First-To-File: The proposed reform would largely eliminate US's unique first-to-invent priority system. The bigger deal is that the proposal **False Marking:** The proposed reform would eliminate the right of "any person" to file a false marking claim. Rather, those claims would be limited to individuals who have "suffered a competitive injury." This change would apply to eliminate standing of already-filed cases.

Willful Infringement: The third subjective element in patent litigation addressed by the NAS is "willful infringement" under which a court may increase damages up to three times if the court or jury determines that the accused infringer willfully infringed a patent. During the period when the NAS reviewed this doctrine, there was no effective threshold test for alleging willful infringement, therefore the required level of pre-filing investigation by the plaintiff was relatively modest and willfulness was asserted in most cases. NAS found that the doctrine of enhancing damages against defendants, who knew of patents that they were later found to infringe and who were found to not have complied with the Federal Circuit's judicially created doctrine to exercise "duty of care" to avoid such patents, resulted in unforeseen and wasteful consequences. The fact that a defense to a claim of willful infringement was good-faith reliance on an opinion by counsel that the patent was invalid or not infringed resulted in a cottage industry of lawyers providing such opinions at cost reaching \$100,000 or more. Worse, NAS found that in some business sectors, exposure to claims of willful infringement led to a practice of deliberately avoiding learning about issued patents, thereby undermining the Framers' desire that patents promote the sciences and useful arts. NAS recommended that the doctrine of willful infringement be eliminated. During the Congressional consideration of how to respond to the NAS recommendation, however, the issue was overtaken by the Federal Circuit's en banc decision in *are Seagate Tech., LLC*, 497 F.3d 1360 (2007). In *Seagate*, the Court found the "duty of care" rule which it created in 1983 was inconsistent with the Supreme Court's view that, to be willful, some level of "objective recklessness" must be involved.

Post-Grant Review: The statute would provide for a whole new system of post-grant reviews that would be handled directly by the patent appeals board. The proposal also calls for a new "supplemental examination" to ensure that the patentee has fulfilled the duty of disclosure.

Pre-Issuance Submissions of Prior Art by Third Parties: These would be allowed.

Litigation Venue: Cases should be transferred to venues that are "clearly more convenient."

Fee Setting Authority: The USPTO would be given authority to adjust its fees so long as the fees are "in the aggregate set to recover the estimated cost to the Office for processing, activities, services and materials relating to patents and trademarks, respectively."

Federal Circuit Judicial Residency: Judges for the Federal Circuit would no longer be required to live in the DC area.

Micro-Entity: A new type of entity defined as a "micro entity" that has fewer than 5 patent applications that would qualify for even further reduced fees.

Best Mode Requirement: The best mode requirement would remain as part of the law. However, failure to fulfill the best mode requirement would no longer be an invalidity defense nor could it serve as a basis for holding a patent unenforceable. **161**



Monthly News Update

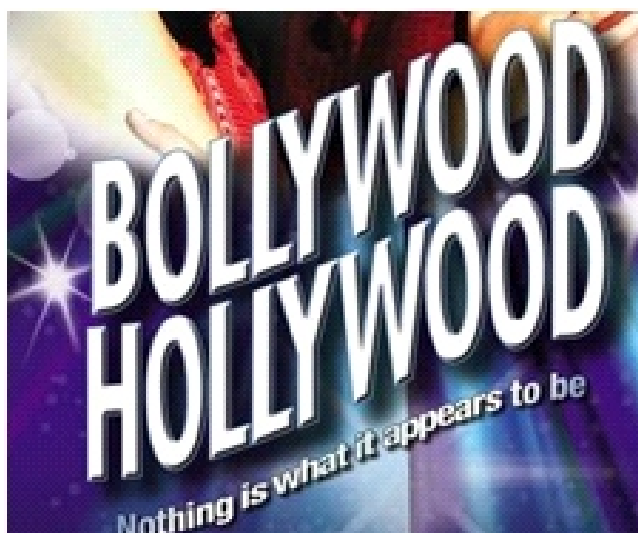


Rin v. Tide: P&G Goes to Court

Rin's latest advertisement, placing itself to be a better bet than Tide is anything but squeaky clean (pun intended). Having done so, the ugly head of commercial disparagement has been reared again. According to latest news reports, P&G which owns "Tide" has knocked the doors of the Calcutta High Court in relation to HUL's controversial Rin advertisement. Would such an ad cause a consumer to actually think that Tide is not a good product and cause its users to change loyalties? Surely a discerning viewer and consumer would not have looked at the Sprite ad that poked fun at Mountain Dew and decide against consuming the latter! In fact, by resorting to such a form of advertisement, Rin has unnecessarily included Tide in their screen time. Creating the current brouhaha has only given Tide free publicity funded by Rin. With the hefty prospect of impending litigation and free publicity to the owner of the disparaged brand, it is time that brands employ a cost-benefit analysis to such disparaging advertisements.

Hollywood, Bollywood

tying up to fight piracy



Hollywood and Bollywood linked arms with the announcement of a coalition among the Motion Picture Association of America and seven Indian companies to tackle counterfeiting in one of the world's largest film markets. The alliance comes as Hollywood tries to tap global markets more aggressively and as Indian movie studios grow in size and stature - narrowing the gap between Indian and U.S. filmmakers, who have not always seen eye-to-eye on intellectual property issues. The Indian film industry has a rich history of copycat productions and traditionally has had less respect for the sanctity of intellectual property than Hollywood would like. In 2008, for example, Warner Bros. unsuccessfully sued to block the release of an Indian Punjabi film called "Hari Puttar - A Comedy of Terrors" on the grounds that the name was too close to its Harry Potter series. That friction has started to ease with the rise of corporate studios in India, like UTV Motion Pictures and Reliance Big Pictures, which last year took a 50 per cent share in Steven Spielberg's DreamWorks for US\$325 million. Over the last two years, a growing number of successful partnerships - like "My Name is Khan," produced by two Indian companies and distributed by Fox in India and the U.S. - as well as successful crossover movies - like "Slumdog Millionaire" and "Avatar," which both did well in India - have also strengthened ties.



From Pranab, with love...

The present financial budget has brought in a host of good news for the pharma industry with tax sops serving as the perfect holi gift from the Government. There seems to be a reason to rejoice for the pharma industry as the weighted deduction on in-house R&D expenditure has been hiked from 150% to 200%. The primary benefit to be accrued by means of this sop would be for the cost incurred in filing international patents as well as carrying out clinical trials outside the country. However, as Kiran Mazumdar Shaw of Biocon states, this would be only meaningful provided the sops are insightful and not mere cosmetic changes. There is also increase in the weighted deduction on the payments to be made to the national research laboratories from 125% to 175%. Owing to this pragmatic move of the Government, it is expected that the R&D will get a boost in most pharma companies and innovation would be promoted.

Earlier last month when the excise duty on drugs was restored to 8 % from the present 4%, most pharma companies did hope for tax sops in the Union Budget especially in the R&D sector with some being hopeful of a complete tax exemption on the exports extended to the pharma companies.

Indian Copyright Associations sue Google

The Google Book Search Project, whereby Google has created a virtual repository of online books by scanning them has been in the news recently for copyright violations. Class actions have been filed against google in US, China and even Germany and France. The digital library initiative, though making it convenient for the Internet users to access books online, has created a difficulty in violating the copyright of the authors. Mostly, the books are reproduced without the licence of the authors, who have been up in arms against the project. The ambit of fair use exception being wide in the US, the Author's Guild had arrived at a settlement with Google called the google books settlement (GBS) 2.0 , applicable to any person having a US Copyright interest, under the terms of which, the authors could licence their works for online reproduction or specifically "opt out" of the settlement, in which case, they shall not be paid the royalty. The current scope of GBS2.0, Arya says, covers books that are either registered with the US Copyright Office or published in the UK, Canada and Australia. The Indian stakeholders have also been raising this issue with the government, whereupon, the Indian representatives met the United States Trade Representative (USTR) to take on board copyright violations of Indian authors. The Indian Copyright Act 1957 under Section 52 allows flexibility of fair use, where the use of books for educational purposes is exempt from copyright exemption. In the present case, however, the usage of the material placed online is far and wide, involves commercial element and requires express authorization. The concern was more so in India, because of large vernacular publications in the country, that may be uploaded without authors' knowledge.

International trademark filings suffer in global financial crisis , says WIPO:

World intellectual property organization (WIPO) figures indicate that international trade mark filing suffer during 2009 because of the global economic downturn. Filing made under WIPO's Madrid system of the international registration of marks dropped by 16 percentage in 2009. Trademark figure are a "leading indicator" of economic events, said Francis Gurry during a process conference. Gurry is director general at WIPO. WIPO has tracked the decline of trade marks registered around the world, he said. Registrations started to decline halfway through 2007, which was an early indicator of a difficult 2008, before the 16 percentage in 2009. Trade mark application are generally made for new products or companies ,said Gurry ,so times of economic depression tend to signal a noticeable decline in the number of application. Promising sign may be seen in the figure for Japan and Europe Union(EU). The EU saw 3.1 percent rise in international trade mark application , while Japan increased by 2.7 percent . Gurry said Japan is an interesting case. With respect to international patent applications, there was also a rise last year in Japan despite the extremely difficult economic condition the country. So once again it is an indication of how much emphasis is placed on innovation by Japanese industry and Companies. China ranked op as the most designated country in 2009, with 14766 designations. These statistics shows in which markets companies are interested in doing business, said Gurry. He said: " it means that when companies apply for trade marks and they want coverage around the world, they often go to china.it is the most designated place where they seek protection".

Google wins Adwords Battle against Louis Vuitton:

The European court of justice has ruled that google is not liable for trademark infringement by allowing companies to use rivals trademark as advertising key words through its Ad words programme. The court ruled that although google provides a platform for the adverts, it is responsibility of individual advertiser to ensure that they do not infringe trademarks. The case began in 2004 when LVMH , parent of Louis Vuitton , sued google complaining that it permitted companies selling counterfeit product to link advertising to searches for Louis Vuitton. LVMH won early victories in the French court , but the matter was referred to the ECJ by France's court of cassation. While thrilling looks like good news for google , adwords users may be concerned that the court opened the door for the companies such as LVMH to sue them for trademark infringement. Google will have to act swiftly if accompany inform it infringement ,and companies using others trademark as key word will have to make it clear that they do not have an affiliation the company concerned.

Meanwhile, Microsoft's expansive patent portfolio ranks No. 1

Microsoft may be getting slammed in the other-companies'-patents department, but when it comes to Microsoft's own patent portfolio the software superpower ranks No. 1 in tech. Each year the Institute of Electrical and Electronics Engineers (IEEE) rates the quality of companies' patent portfolios, and this year again, Microsoft's portfolio is rated the strongest in the software industry. It's the third straight year that Microsoft has topped the IEEE Spectrum Patent Scorecard. In another independent survey released this week, Microsoft ranked #1 in the Patent Board Scorecard, far surpassing all other information technology companies in the strength of our science and technology. Also this week, Forbes named Microsoft on its list of America's Most Inventive Companies, based on the strength of our patent portfolio and return on R&D investments. And in January, Bloomberg Business Week assessed Microsoft's patent portfolio as having the highest value, beating out other leaders including IBM and Samsung. The magazine also placed Microsoft at the top of its Most Inventive Companies list. "These consistently high marks from experts in the industry signify that Microsoft's focus on high-quality patent protection is working," Bart Eppenauer, Microsoft's chief patent counsel, wrote on a corporate blog. "Microsoft invests more than \$9 billion annually in research and development, and the innovations that result from that R&D commitment are directly related to the quality of our patents." Microsoft was issued 2,918 patents in 2009, and its portfolio has tripled in size in the past five years. The most valuable ones cover data processing, file structure and transfer, computer graphics and user interface, Business Week reported. In the scorecards, Microsoft ranked ahead of corporations such as IBM, Oracle, Hewlett-Packard, Cisco, Apple and Google. 