

IP & Business

A Mabbit Media Publication

India's First Intellectual Property Business Magazine

**"EARNING
THE
GOODWILL"**





Calling Science Graduates And Researchers BE A GOVERNMENT CERTIFIED PATENT PROFESSIONAL AND GRAB HIGH PAYING JOBS

COURSES

- C **SIX MONTHS DIPLOMA IN PATENT MANAGEMENT.**
- C **6 MONTH INDUSTRIAL PROJECT IN BIOTECHNOLOGY.**
- C **PATENT AGENT TRAINING PROGRAM.**
- C **3 MONTH INDUSTRIAL TRAINING IN PATENTS.**
- C **2 MONTH SUMMER / WINTER TRAINING.**
- C **INDUSTRIAL PROJECT IN BIOTECHNOLOGY AND IPR.**
- C **CORPORATE SEMINAR SERIES.**
- C **WORKSHOPS.**

What is Intellectual Property?

Intellectual property (IP) refers to creations of the mind: Scientific inventions, literary, artistic works, symbols, names, images, designs used in commerce.

WHAT IS IIPTA?

Indian Institute of Patent and Trademark Attorney is professional training center for training, research and education in Intellectual Property Rights. IIPTA is established to increase the understanding, creation and exploitation of Intellectual Property - patents, copyrights, 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
ANAND & ANAND
ASHMAR
EVALUE SERVE
DOLCERA
KAN & KRISHME
PRIMAL HEALTHCARE (NPIL)
CPA GLOBAL
LUPIN PHARMACEUTICALS
JUBILANT BIOSYS
INDIAN IMMUNOLOGICAL LTD.
MATRIX LAB
BIOCON
ORCHID CHEMICALS &
PHARMACEUTICALS LTD.
WOCKHARDT LIMITED
RANBAXY
MRD LIFESCIENCES
DR. REDDYS LABORATORIES LTD.
RELIANCE LIFE SCIENCES
DABUR
BHARAT BIOTECH.
IIPTA

INDIAN INSTITUTE OF PATENT AND TRADEMARK ATTORNEY

Indian Institute Of Patent And Trademark Attorney 37, 1st Floor, Defence Enclave
Main Vikas Marg, Delhi - 110092. Phone : +91-9818413550 , +91 11-64997056
www.iipta.com

Quick registration form:- www.iipta.com/download.html

IIPTA

For enquiries, mail at: info@iipta.com or call at: 9818413550, +91 11-64997056



From The Editor's Desk



Earning the Intangibles

Goodwill is seen as an intangible asset on the balance sheet because it is not a physical asset such as buildings and equipment. Goodwill typically reflects the value of intangible assets such as a celebrity goodwill or strong brand name.

Best example being Mr. Dhoni. According to Forbes, Dhoni was the world's highest paid celebrity last year, earning USD \$8 million. And now he has signed a three year deal with Rhiti sports Management. He has stolen the crown of endorsements earning from master blaster breaking his record of the Rs.180 crore three year deal with sports management firm Iconic. Not only Dhoni, many big celebrities of Bollywood are earning from celebrity endorsements. Political goodwill of Mr. Obama and Mr. Rahul Gandhi has turned them into national leaders. Besides goodwill analysis, we will see how Bilski Vs. Kappos business method patenting has left experts unsatisfied and confusion still prevails on the patenting trends.

It's become truism to say that intellectual property has now become not only a lawyer's job but manager's financial kitty to handle. With the entry of firms like Intellectual Ventures into Indian markets Indian individual inventors and research organizations are turning their patents into liquid assets.

Students of engineering background can uptake IPR management as a new career option and get jobs into companies invest in intellectual property. Barack Obama foreseeing the importance of intellectual property has released more funds for the working of USPTO with the result USPTO is now visible on Facebook also.

Reigning Rupee symbol has turned India into club of elite countries with the currency symbol. Opening up of IP facilitation centre in India, government initiative lucidly proves power of India. Though India is facing various international issues with EU and recently Japan, but Indian edge at international level is strong and is continuously improving.

I hope readers will find this issue more interesting and analytical in approach.

Happy Reading!!

Cheshta

Cheshta Sharma
EDITOR IN CHIEF

T

Z

E

T

Z

O

U

COVER STORY

EARNING THE GOODWILL

“Some people continue to live even after death. So what keeps them alive and remembered? It is the most intangible asset - The Goodwill - by which they are present in the hearts of million of followers.”



FEATURE



Barack Obama on IP

“Barack Obama is quite aggressive when it comes to addressing the issue of intellectual property.”

- 14 INSIGHTS
- 18 INTERNATIONAL IP
- 22 IP & FINANCE
- 34 COMMERCIALIZING IP
- 44 INDUSTRY FOCUS
- 48 INNOVATION
- 52 KNOWLEDGE SERIES
- 58 CAREER IP

24 *Mabbit*
iam
Protecting
Personal
IP

07



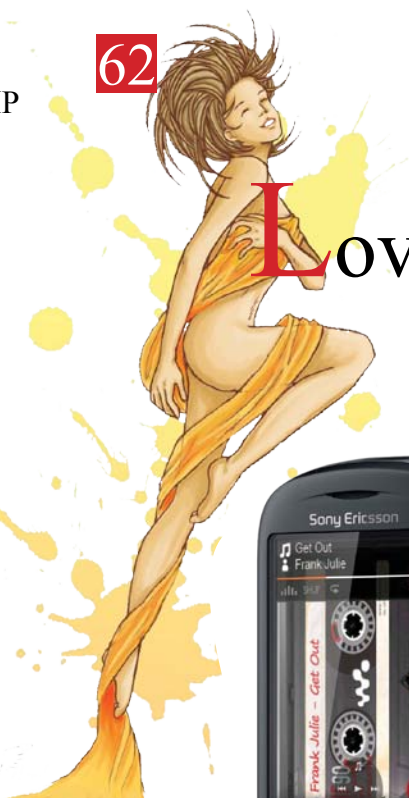
Bill Passed by Rajya Sabha



IPR comes in way of
Japan FTA

LIFESTYLE

62



Love your life



Living Digital



FOR HIM OR HER

Little Glass of Wine



IP & BUSINESS

published by:

Mabbit Media**Editorial Board**

email-editor@ipandbusiness.com

Cheshta Sharma

Editor in Chief

Mrs. Mrunalini Sharma
Miss Avi Sharma**CEO & Managing Director**

Mr. Kirtiman Sharma

General Manager

Miss Rajni Mishra

Advisory Panel**Dr. Sunil K Sharma**Scientist G and IPR HEAD
Central Building Research Institute,
Roorkee**Prof. Nayan Sharma**Water Resource Development &
Management Department
IIT, Roorkee**Design and Production**Mabbit Communications Private Limited
www.mabbitindia.com
37, Defence Enclave
Main Vikas Marg, New Delhi 110092**For advertisement, feedback and other queries,**Contact: +91 – 11 – 64997055, 56
+91 – 9818819266

Or mail us at: info@ipandbusiness.com

For subscription contact Priya at
+91 – 11 – 64997054

Or email at: info@ipandbusiness.com

IP and Business Online

www.ipandbusiness.com

Intellectual Property and Business Portal

The views expressed in magazine are not necessarily those shared by the publisher. Wishing to reflect the true nature of the market, we have included articles from number of sources. The views expressed are those of contributors. Mabbit Media does not accept the responsibility for any loss or damage incurred or suffered by any reader of this magazine for any decision taken on the basis of information provided herein. No part of the publication can be reproduced in any form without the written permission of the publisher. Mabbit Media reserves the copyrights worldwide. Bloggers and other people wanting to quote any portion of the publication may mail us at info@mabbitmedia.com.

BLOG ENTRY

IP & Business

India's first intellectual property & business magazine

HOME

ABOUT US

ADVERTISE WITH US

BLOG

CATEGORIES

CONTACT US

JOBS IN IPR

SUBMIT YOUR ARTICLE


**“We have voice”- The Indian Drug Makers. “We have reasons”- The Local Firms**

Global Drug makers of INDIA have a proposal for Indian Government and it's been considered. MNC's trying to make love with PMO (Prime Minister Office) and the villain flags hoisted by Domestic Industry and Public Health Activity. The proposal of global drug makers seeks certain changes in the countries IPR. PMO in retort asks Ministry of commerce, Health and Family welfare department of legal affairs to admit their opinion spotlighting 'the changes in controversial matters of Legislative review of section 3(d)' of Indian Patent Act and a clear definition of 'efficacy' criteria since requested by the Drug makers in the proposal.

To read the complete blog entry, visit <http://www.ipandbusiness.com>**Launch of FICCI – MSME IP Facilitation Centre**

On 17th August 2010, FICCI has once again reiterated its commitment to empower Indian business by establishing much desired IPR Facilitation Centre in association with the Ministry of Micro – small and Medium Enterprises (MSME) to offer quality service such as Patents, Trademarks, Design and Copyrights. It will also provide services related to Patent drafting, Patent prosecution, Facilitation in commercializing of inventions, Trademark prosecution matters and many more.

To read the complete blog entry, visit <http://www.ipandbusiness.com>




Keep up with **IP & BUSINESS** on Twitter

IP & BUSINESS NEWS • 24/7 UPDATES • BLOGS

Follow us, tweet us and retweet us to all your friends. We'll see you on Twitter.

Have an account ? [sign up](#)



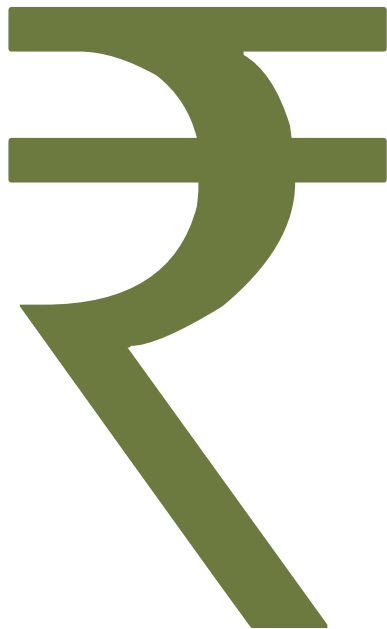
search

Join the conversation

[sign up now](#)

For more detail log on to www.twitter.com

REIGNING RUPEE



The U.K.'s pound sterling (£) dates back to the Kingdom of Mercia (now the British Midlands) in the 8th century. The dollar symbol (\$) was adopted in the US in 1785. The yen (¥) goes back to 1871. The euro (€) was unveiled in 1996.

Finally, the Indian rupee has got an identity of its own. As India is becoming a hot destination for investors across the world, the new icon for Indian currency is likely to create a brand around 1.2 trillion dollar economy of the nation.

“As we are a part of the global economy and our effort is to gain a prominent position in the comity of nations, it is only appropriate that our currency also gets an internationally recognised symbol on the lines of other world currencies,” says Sudip Bandyopadhyay, promoter of financial services company Convexity and earlier managing director of Anil Ambani's Reliance Money.

Two years ago, the Confederation of Indian Industry (CII) formed a team of experts to brainstorm for rebranding of Indian rupee. Viren Razdan, managing director of brand management firm Interbrand India, Mumbai, was one of its members. According to Razdan, “The rupee rebranding [is] an exercise to say that if we [want]

to become an economic superpower, we have to create a symbol that is reflective of our cultural code. Each of the emerging economy is trying to establish a clearer picture of its brand. The branding forms a valuable, symbolic code for Brand India. It gives us a clear advantage over the Chinese, to say that we are far more cultural. In the past few years, India has really used its ‘soft power’ to embellish its brand through its music, movies, art forms etc. This really forms part of that coded system. Brand India will become richer if and when this symbol comes into play.”

Will politics interfere? Says Sundar G. Bharadwaj, visiting Wharton professor of marketing and professor of marketing at Emory University, “A brand has incredible intangible value. I am afraid that with political parties, this could be the fad of the month or season.” Razdan is more optimistic. “If the rupee symbol is positioned correctly, it will rise above petty politics,” he says.

Bharadwaj is, on the whole, optimistic. “The rupee is trying to associate itself with the top four or five currencies,” he says. “The rebranding reflects the bigger ambition of India. The new India has immense confidence in itself - the confidence that you can do anything. It wasn't there 20 years ago. A while ago, India was compared with South Korea and China. You don't talk about South Korea any more. You also don't compare India with China any more. India is India.”

India is a power house of billionaires. Now India wants something that no global economic powerhouse should be without: an international symbol for its currency.

DIT & GOI COME OUT WITH NEW DRAFT POLICY FOR E - GOVERNANCE

The department of IT & Government of India recently came out with a new draft policy on open standard for e- Governance for softwares. The Policy provides a structure for the selection of standards in between systems developed by multiple agencies while providing organizations the flexibility to select different hardware and software for implementing cost-effective e-Governance solutions.

Aims of policy:-

- Promote technology choice
- Avoids vendor lock-in because its basic aim is to provide reliable long-term accessibility to public documents and information in Indian context.

Mandatory Characteristics of open standard should have been framed by Government of India which has to fulfill important given criteria:-

1. The patent claims necessary to implement the Identified Standard shall be available on a Royalty-Free basis for the life time of the Standard.
2. Identified Standard shall be adopted and maintained by a not-for-profit organization, wherein all stakeholders can opt to participate in a transparent, collaborative and consensual manner.
3. Identified Standard shall be recursively open.
4. Identified Standard shall be capable of localization support, where applicable, for all Indian official Languages for all applicable domains



National Conference on e-Governance

Free Software Foundation of India, which advocates that software should be free and open for all.

PIRACY RAT HOLES: DELHI GOVT. TO PLUG THE PITS

Even though the strict rules or laws are formed for anti-piracy how and when could they come in force and what are the procedural effects that can stop these piracy violations, hangs on brains.



Every individual pirating and encouraging must be taken action by the law would fill the dungeons in India. So you can guess that the number is countless.

Delhi government

has taken a decision to make their own combat to have anti-piracy law coming out of central act. Delhi Government to empower civilian inspectors to prosecute violations. It is ridiculous! Hugely populated India and crowded piracy ruling kings need sudden effects and a bulk of inspection. Even the Delhi Government explained as they are trying large scale recruitments and the number currently is 7-8 which means each serves a single district.



For last 5 years, there has been an unreparable loss for just not Bollywood, but the other film industries too. MPAA (Motion Pictures Association of America), USTR (United States Trade Representative) are already disappointed with the Indian Government which has failed to act to the offensive strokes. They recorded ₹16,000 crore loss to entertainment by 2009 according to USIBC (United States-India Business Council).

Bill Passed by Rajya Sabha:

India joins Madrid Protocol- Pushed by European Union

India is going to be one of the Madrid protocol members and the amendment (Trade Mark) is passed by Rajya Sabha. The amendment helps trade mark registration in any country through single application. This can help align Indian Trade Mark with provisions of Madrid protocol. It's an ease for the international applicants for Trade Mark too. The Madrid Protocol has 84 signatory countries.

Currently Indian applicants (any non-signed member) for Trade Mark should apply different countries in different languages with separate fee. Madrid system is for the international registration of marks established in 1891 and it functions under the Madrid Agreement (1891), and the Madrid Protocol (1989). It is administered by the International Bureau of WIPO located in Geneva, Switzerland. Similar to PCT system, WIPO helps the member countries of Madrid system to apply for Trade Marks in multiple with a single application process which saves time and money. There is no need to change languages either.

The Indian government did not decide to join the protocol initially. It was a pressure by the European Union while our nation negotiated trade and investment treaty with them. Rajya sabha recently on 10 August passed 2009 bill of trademark amendments of 1999 bill, where the amendments are a single application for registration of marks internationally and any international enterpriser to apply in our country.

Note circulates on IPR by PMO for drug MNC's

PMO circulates note after considering proposals by global drug makers such as Novartis, BMS, Eli Lilly and Pfizer besides executives of Organization of Pharmaceutical Producers in India(OPPI), a lobby group of international drug innovator companies, that wants to make certain changes in the intellectual property rights regime of India that can compromise Indian drug makers' ability to sell very low cost generic medicines. Also, the proposals include changes in controversial matters such as 'legislative review' of the section 3(d) of the Indian Patent Act and clearly redefining the 'efficacy criteria.'



After amendments in the new product patent regime in 2005, the government provides exclusive marketing rights for 20 years. But, global drug-makers have repeatedly voiced their concern about the implementation of the IPR regime, alleging it does not encourage innovation.

Section 3 of Indian Patent Act defines what is not patentable. Section 3d gives out that the mere discovery of a new form of an old drug does not make it an invention.

Global MNCs also seek 'alignment in applicable statutes' to implement patent linkages, a provision that will allow global MNCs to prevent Indian drug regulators from permitting local companies launching

generic versions of patented medicines. This is another vexed issue between foreign drug-makers and local firms, who say the provision will delay launch of generic or low cost drugs.

Press Release

Launch of FICCI – MSME IP Facilitation Centre



On 17th August 2010, FICCI has once again reiterated its commitment to empower Indian business by establishing much desired IPR Facilitation Centre in association with the Ministry of Micro – small and Medium Enterprises (MSME) to offer quality service such as Patents, Trademarks, Design and Copyrights. It will also provide services related to Patent drafting, Patent prosecution, Facilitation in commercializing of inventions, Trademark prosecution matters and many more.

Inaugural Function was addressed by Shri Dharmendra Prakash, Joint Development Commissioner, Ministry of Micro, Small & Medium Enterprises, and Government of India. Guest Mr. Anil Kumar, Deputy Director, Ministry of Micro, small & Medium

Enterprises, Government of India lead the conference by focusing importance of MSME work as backbone in industries of any country and are also the driving force of innovation. Many MSME's and individual inventors are not able to protect their innovations and intellectual assets due to several constrains. Many Scientists, SMEs representatives expressed views about problems faced in SME registration. Miss Cheshta Sharma, Patent Agent at Mabbitt iam also expressed her concerns about it.

Further discussion was continued by one more Guest presented there Shri Madhav Lal, Additional and Development Commissioner Ministry of Micro, Small & Medium Enterprises Government of India by discussing about contribution of MSME to India's Economic growth and tremendous development. The contribution of MSME's sector to the country's GDP is 9% and it's very low as comparison with giant branded industries but the MSME's sector still shown consistent growth and its more than 6000 products in various segments. India has full of knowledge driven economy and it's very important to protect one's intellectual assets as it provides a competitive advantage, especially in the current economy scenario.

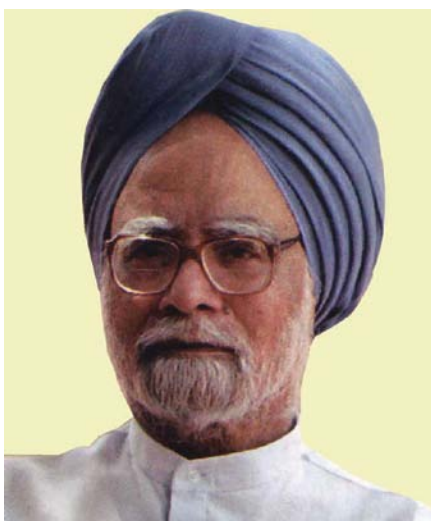


Finally discussion was concluded by Ms. Bishakha Bhattacharya, Director FICCI by having glimpse on latest annual report released from patent office in which approximately 16% of the MSME's share has been filed as patent application and its really shocking that's the reason FICCI has taken up the task of assisting the MSME's in the properly protection and leveraging their intellectual assts by opening a much desired IPR facilitation Centre.

Heartily congratulations and Best wishes from IP and Business Magazine. **IPB**

IPR comes in way of Japan FTA

Negotiations between India and Japan on a pact on trade and investment have got stuck on the issue of intellectual property rights with both sides refusing to budge from their stated positions, though most other issues have been resolved.



Source: Economic Times

In 2005, India moved to a more stringent product patent regime from one that recognised processes to meet commitments under the TRIPs agreement of the WTO. Japan wants the bilateral agreement to go beyond the international agreement on intellectual property, or TRIPs, while India is not prepared to take obligations that are beyond the multilateral regime. TRIPs-plus commitments would require India to tighten its patent regime further. The country, therefore, is not willing to move to a stricter patent regime which could mean an extended patent protection of more than twenty-years, restricted use of compulsory licenses for producing patented medicines for life-threatening diseases or rules that restrict generic competition. Japan has been running a trade surplus against India for a number of years. In 2008-09, India exported goods worth Rs 3,025.75 crore to Japan while its imports from the country were much higher at Rs 7,886.27 crore.

However, The two countries are keen to wrap up the negotiations in the next couple of months so that the pact can be signed during Prime Minister Manmohan Singh's

Tokyo visit in October. India is also having a tough time convincing the EU to keep TRIPs-plus provisions out of the bilateral trade and investment agreement being negotiated between the two.

USPTO launches facebook page

The U.S. Patent and Trademark Office recently launched an official page on Facebook that will provide regular updates from the Office and provide a public forum for comments, feedback, and discussion pertaining to issues at the USPTO. "Technology has profoundly impacted the way we all consume information and communicate with one another," said Under Secretary of Commerce for Intellectual Property and Director of the USPTO David Kappos. "I'm confident our Facebook presence will complement the USPTO Web site as a means of communicating and connecting with the public and our stakeholders in the intellectual property community. With more than 400 million people on Facebook, we knew it was an important place for us to be."

The USPTO's page on Facebook will not replace the Agency's Web site (www.uspto.gov) as the official source of USPTO information. Rather, the Facebook page will provide a new channel for the public to connect with the USPTO.

In addition to communicating directly with the USPTO, Facebook users can expect to see an array of content and information, including press releases, posts from Director Kappos' "Director's Forum" blog, event information, photos and video.

Apple's Recent Patent Filings Hint at Next-Gen Functionality

Some recent patent filings by Apple hint at amazing possibilities in the future of its iOS product line. How does facial, heartbeat and voice recognition sound to you?

In the patent titled “Systems and Methods for Identifying Unauthorized Users on an Electronic Device,” Apple outlines a security system that lets users create login profiles for their iOS device. These profiles would authenticate via a variety of methods including voice, facial and heartbeat recognition. While no timeline has been drawn up for the technology, expect it within a few years at the most. Keep your fingers crossed if you want it in the iPhone 5, which will probably be getting NFC technology to let you use it as a debit or credit card.



Excited about this? I certainly am. This could herald a new era of smartphones that work as highly secure personal data storage devices and the preferred method of monetary transactions. How exactly an iPhone can detect and differentiate heartbeats between different people is another question. While the technology to detect human heartbeats from a distance does exist (think electromagnetic stuff too technical for me to even attempt to understand), consumer applications have been pretty much non-existent.

So let me know what you think. Apple moving ahead and bringing technology with it that other smartphone manufacturers will simply be unable to duplicate? Can Android OS or BlackBerry smartphones even compete with some of these features? Are we going to have to wait until the iPhone 6 for these to see the light of day?

India wins trademark case for Ponni rice against Malaysian Company



In a significant victory for rice growers and exporters, India has won the trademark case against a Malaysian firm which was granted the registration for the “Ponni” rice, a non-Basmati aromatic variety grown in Tamil Nadu. The High Court in Malaysia on Tuesday ruled that Syarikat Faiza cannot use the “Ponni” label for its rice products. Malaysian firm Syarikat Faiza was issued a certificate, making it the registered proprietor of the Ponni trademark in Malaysia. The firm had been importing Ponni rice variety from India and was distributing it in Malaysia under the “Taj Mahal” brand name. Early 2000, the company sought registration of Ponni under the Malaysian Trademarks Act.

India’s Apeda, under the ministry of commerce, had contested the trademark certification and said on Tuesday that the Malaysian authorities had upheld its position that Ponni rice belonged to India. “The judgement implies that the Ponni variety remains with us,” Asit Tripathy, chairman, Apeda, said. The judgement would also prevent Syarikat Faiza from importing rice from Thailand or other key producing countries and sell it as Ponni within Malaysia.

Farmers in Tamil Nadu have been protesting over Malaysia being granted trademark rights for the rice variety. White Ponni rice was developed by Tamil Nadu Agricultural University in 1986 and is cultivated in thousands of acres in the state.

Google changes AdWords policy in Europe

Google (GOOG) will change its longstanding policy allowing trademark owners to request the exclusive use of trademarked Google AdWords. The shift in European policy mirrors similar changes in the U.S. and Canadian markets in 2004. It changed the policy for British and Irish markets last year.

Under the previous system, owners of brands could file a trademark complaint with Google that would ban third-party advertisers from using those names. A coalition led by the French company LVMH Moët Hennessy Louis Vuitton, which holds the trademarks to numerous extremely valuable brands, said that it was necessary to protect the value and authenticity of the brands.



However, the European Court of Justice ruled in March that allowing third parties to bid for trademarked keywords was within the bounds of intellectual property law.

The brand owners aren't left without any recourse; they can file complaints with Google, which will take the ads down if they agree that the origin of the goods is confusing, as in the case of counterfeits and knockoffs.

Google's argument is that auctioning the AdWords to multiple bidders allows the search engine's users to find reviews, second-hand sellers and retail locations.

Bradford Licensing forms India JV with Franchise Group



New-Jersey-based Bradford Licensing is fortifying its Indian presence via a joint venture with Franchise India Group to launch its global brands such as Marilyn Monroe and Beverly Hills Love in the country.

The joint venture, Bradford License India (BLI), will also tap new clients in India. It will offer integrated licensing solution services to both licensors and licensees and devise licensing strategies.

Global licensing agency Bradford will bring to the JV its existing clients that include Pepsi, 7 UP, Mountain Dew, The Wannabes starring Savvy, King Kong and Zorro. Franchise India has clients



like HCL, MGF, Quality Walls, Tata, Gitanjali, HSBC, Levis, JK Tyres, Lakme, D'damas, Adidas, Euro Kidz, The Apollo Clinic, Shiv Khera and Harbhajan Singh.

The JV will seek to develop the rapidly growing brand licensing market in India. BLI will act as a global agency and explore non-conventional licensing opportunities in India by capitalizing on the intellectual insight of Bradford Licensing.

Says Bradford Licensing president Michelle Minieri "India is a country filled with opportunities for licensing, and ready for significant expansion. As a byproduct of globalization, increased competition and industrialization, licensing is becoming critical to the success of business growth. I am confident that this synergistic relationship now known as Bradford License India is the ideal match that will generate some very exciting business opportunities."

BLI has initiated the process of building the infrastructure with critical team members working throughout India to acclimate the local team to the world of licensing.

Says Franchise India Group president Gaurav Marya, "Bradford License India is perfectly geared to expand into diverse spheres of licensing in India. Its working parameters are primed by deriving licensing models as per the global standards and their integration with local marketing and networking strengths."

Bradford License India aims to focus on comprehensive licensing programmes, including the design, development, and management of the acquired licensing property.

IGB

Patenting Business method



INSIGHTS



Business method patents are a class of patents which disclose and claim new methods of doing business. Since 1998, an increasing number of patents have been issued to software and Internet companies that have devised novel ways of doing business - for example, new online ordering processes or a unique internet advertising scheme. These patents, which usually combine software with business methodology, are commonly referred to as business method patents or internet patents.

For example, Amazon.com devised a method for expediting online orders, known as the “1-Click” system. The method allows a repeat customer to bypass address and credit card data entry forms, because Amazon can access that information directly from the customer’s account. Amazon was granted a patent on this business method in September 1999 (U.S. Pat No. 5,960,411).



INDIA

In India, business methods are not patentable as per section-3(k).

JAPAN

In Japan, business methods are well recognized and accepted as patentable subject matter. The legal standard used to assess whether a business method is patentable requires that inventions be “a

highly advanced creation of technical ideas by which a law of nature is utilized.” Patents are not issued solely for business methods. The business method must contain a technical aspect that is both tangible and real. However this requirement may be satisfied simply by specifying that the method is implemented using a computer.

Australia

There is no general prohibition on the patentability of business methods in Australia. Their patentability is determined by applying the tests used to determine the patentability of any type of invention.

In a recent decision, *Grant v Commissioner of Patents* [2006] FCAFC 120, [47], the Fullbench of the Federal Court of Australia held that a business method will only be

patentable if it has a physical aspect, being a concrete, tangible, physical, or observable effect or phenomenon. Accordingly, ‘pure’ business methods, being those that do not have a physical aspect, are not patentable in Australia.

UNITED STATES OF AMERICA

But in United States of America patentability of business methods is a controversial topic. In recent case *Bilski vs. Kappos*, it was hoped it will resolve the nagging issues but the Court concurred that the claimant’s invention was not patentable subject matter, they split on the crucial issue of whether business methods as a category are patentable. The ratio of the judgment was further muddled by a majority opinion that was not entirely decisive.

At issue in *Bilski vs Kappos* was a patent application for a method of hedging risks in commodities trading. Basically, the inventors had devised a way for energy traders to alleviate the adverse effects of commodity price fluctuations by selling consumers energy at fixed rates. The first of the two main claims disclosed the main steps of how to hedge risk according to the scheme. The other main claim put the steps into a simple mathematical formula. The remaining claims applied specifically to the energy market.

In an earlier case in 2008, Court reverted to a stricter “machine-or-transformation” test for processes. Under that test, abstract processes had to either

- Be tied to a particular machine or apparatus, or
- Transform a particular article into a different state or thing.



The machine-or-transformation test basically rendered business methods and some types of computer programs unpatentable subject matter.

The new USPTO guidelines attempt to delineate when a method is an abstract idea vs. a patentable process in light of *Bilski*. The guidelines suggest that the machine-or-transformation test should still be applied, but that it is only one non-determinative factor to consider. Many other factors are outlined in the guidelines, including generally: the specificity of the claims, whether there is a narrow field of application, and whether it is essentially an application of laws of nature.

The effect of the guidelines will be that §101 will no longer be an insurmountable hurdle for abstract method claims to climb. The guidelines are clear that §101 is “merely a coarse filter and thus a determination of eligibility under §101 is only a threshold question for patentability.” It is unclear exactly which types of claims *Bilski* will pave the way to patentability for, but certainly some business method patents will now be issued where the claims are specific and applied enough to not cast too wide a net. It may represent a lower burden for certain types of software and computer algorithms that don’t fit neatly into any of the §101 categories. [I&B](#)





AD



Leading the way : China

As China speeds towards becoming an innovation based economy, foreign businesses have no choice but to engage with the Chinese IP system.

In June 2008, the China State Council officially promulgated the “Outline of National Intellectual Property Strategy.” The Outline identified “the development and improvement of the standard-related policies, standardization of the behavior of incorporating patents into standards” as a special task. In November 2009, the Standards Administration of China (SAC) issued for public comments the “Regulations on the Administration of the Formulation and Revision of Patent-Involving National Standards (Interim).” The China National Institute of Standardization (CNIS) followed shortly thereafter in early 2010 releasing for comment the draft “Disposal Rules for the Inclusion of Patents in National Standards”. Together these documents reveal the approach China is contemplating for meeting the mandate of the China State Council.

The IP landscape in Asia, particularly China, is changing. On one side of the equation, foreign businesses are moving to invest in real R&D in China and are consequently moving from filing in Asia only when there was a key strategic need to adopting a “must file in Asia” strategy for all major developments.

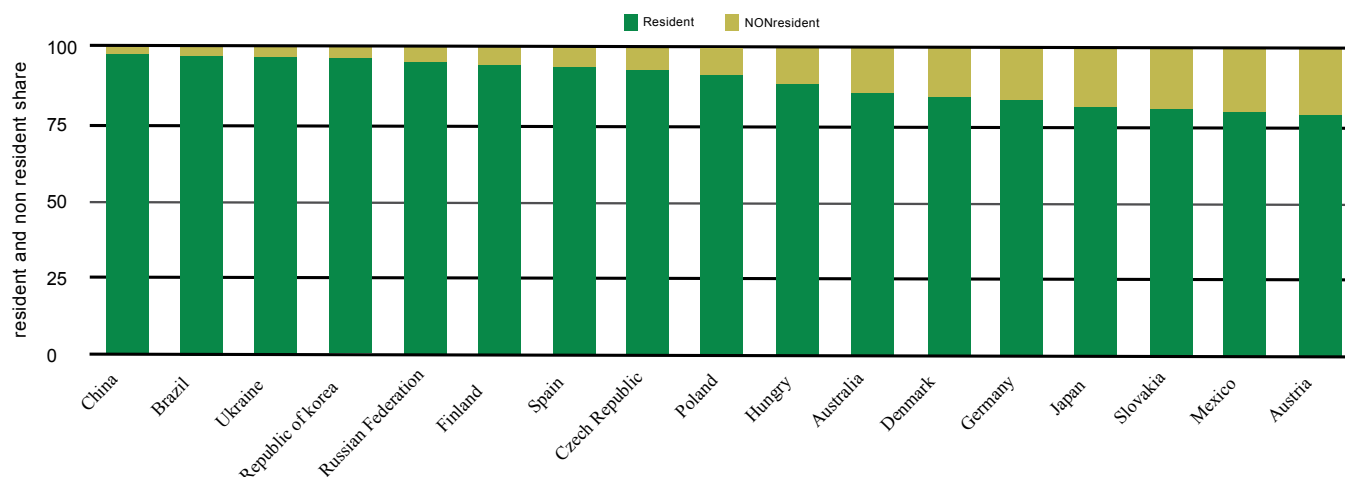
China, as a country of origin, is already the sixth largest filer of Patent Cooperation Treaty (PCT) applications globally. In 2009, China accepted 315,000 international and domestic invention patent applications, the domestic applications of which accounting for 72.8%; the authorized invention patents were 128,000 pieces, the domestic authorizations of which accounting for 50.9%; the residents in China submitted 7,946 international patent applications, ranking the fifth in the world.

Vice Chairman of the Standing Committee of the National People’s Congress Lu Yongxiang said, in order to enhance the abilities on intellectual property (IP) creation, application, management and protection, the central finance set up a special fund to give subsidy to the excellent domestic SMEs, units and scientific institutions which apply international patents, and a total of 1,146 international patent applications were supported in 2009 with 52.85 million yuan; actively carried out the work of IP pilot and model that boosted the industrialization of patent applications and so on.

*CHINA’S UNPRECEDENTED
COMMITMENT TO BECOMING
AN INNOVATION BASED
ECONOMY BY 2020, AS A
CONSEQUENCE OF WHICH
DOMESTIC R&D AND PATENT
FILINGS ARE SET TO GROW
SIGNIFICANTLY.*



Distribution of utility model filing by resident and non resident and by patent office, 2006



China's Patent Law is modeled to a large extent on that of Germany. For product inventions, it provides for utility model patents (with only a 10-year term of protection), as well as "full" invention patents (with a 20-year term). Utility model patents:

- Are not available in relation to processes or methods.
- Are not substantively examined before grant (they undergo only a procedural examination pre-grant).

Utility model patents are inexpensive to apply for, are not substantively examined, have lower thresholds for inventiveness, are registered quickly and enjoy a presumption of validity that makes them hard to ignore. Add in the fact that China allows applicants to double patent (ie, to file applications for both an invention patent and a utility model patent in respect of the same invention at the same time, dropping the utility model patent only when the invention patent is granted), and it is clearly critical that foreign companies reassess their filing strategies in China and shift their thinking regarding utility model patents from "Why?" to "Why not?"

New Patent Law impact on patent strategies

The new Patent Law, which came into force on 1st October 2009, introduces welcome changes aimed at preventing the misuse of patents. Two of the key developments are the introduction of an absolute novelty standard for inventions (previously, foreign prior use was not relevant), and the introduction of a prior art defense (i.e., that the allegedly infringing technology falls within the prior art and hence does not infringe). Together, these changes should reduce the threat to foreign rights holders of so-called junk patents (i.e., patents – typically utility model patents – obtained in China on the back of others' foreign technologies and frivolous infringement claims based on them); but it certainly does not change the need

for preparedness and due diligence.

International appreciation



China has maintained its long-term strategy of gradually opening up its economy to international trade and foreign direct investment (FDI) in the past two years, the World Trade Organization (WTO) said.

In a biennial review of China's trade

policy, the Geneva-based body said China "has continued the gradual liberalization of its international trade and investment regime."

WTO SAYS CHINA MAINTAINS ECONOMIC OPENING POLICY

It added China had continued to attach high importance to the multilateral trading system and been participating actively in the Doha Round trade opening negotiations, which involve all the WTO's 153 members.

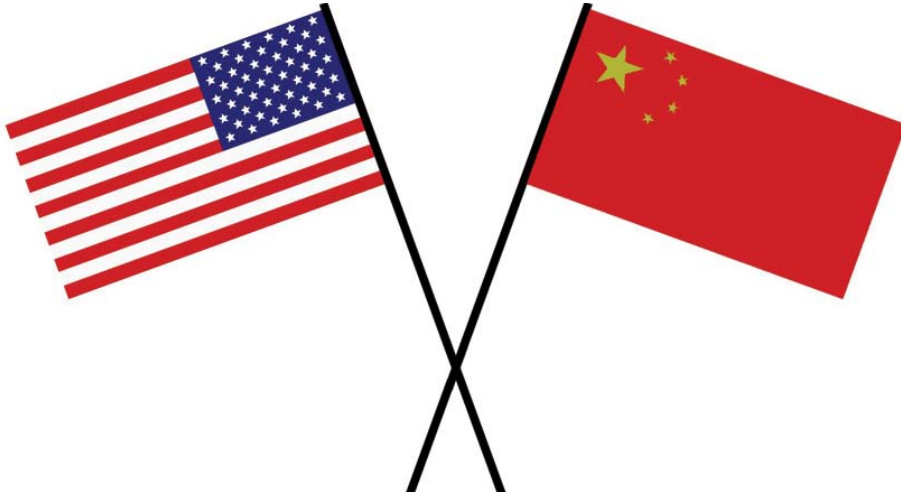
According to the report, China "resisted a protectionist response to the effects of the global economic recession."

"The Chinese government responded to the effects of the global economic recession by introducing expansionary fiscal and monetary policies to offset

the sharp decline in external demand, putting more emphasis on domestic demand to drive GDP growth,” the report said.

US, China relations improving: US Congressman

US-China relations are improving on the back of their need for mutual support after undergoing a rocky period earlier this year, US Congressman Adam Schiff said.



He said both countries needed each other’s support in forums such as the six-party talks to resolve the issue of nuclear proliferation on the peninsula.

The United States also needed China’s cooperation in developing alternative and green energy. The two nations could not simply compete with each other on this front, but needed to learn from each other, he said.

Schiff sponsored the Nuclear Forensics and Attribution Act to strengthen the US

Department of Homeland Security’s efforts in developing techniques for “fingerprinting” nuclear material and encouraged US President Barack Obama to negotiate international agreements to govern international nuclear forensics activities.

Schiff is also leading the effort to combat intellectual property theft. He is a co-chair of the Congressional International Anti-Piracy Caucus, a bipartisan group of House and Senate lawmakers dedicated working with America’s international trading partners to secure the enactment of strong copyright laws as well as their vigilant enforcement.

EU-China training for IP protection at trade fairs

PR2, together with the China Council for the Promotion of International Trade (CCPIT), entrusted by the Ministry of Commerce, to implement a training programme with Chinese companies and government officials making on how to protect IP at trade fairs, at Guilin, Zhejiang, Beijing, on 12-16 July 2010. European experts presents the leading IP protection measures in Europe, and explain how companies can prepare to make use of the system, supported by case studies from major exhibitions in Europe. In addition, the training will elaborate the role and scope of the recently introduced function of on-site mediation support for exhibitors.

As part of its co-operation with MOFCOM, IPR2 will address IP protection at trade fairs in China. This will include awareness-building activities such as best practice seminars on the protection of IPRs at trade fairs, physical presence at exhibitions and moot trials on IPR enforcement in Europe and China.



China is emerging as phoenix of Asia

China is emerging from the financial crisis as an end market that cannot be underestimated and remains a key source of production for most companies. In addition, it is now competing as a viable location for R&D, in terms of both low-cost innovation and increasingly “real” R&D. [I&B](#)



I nvesting in ntangibles



Nathan Myhrvold
Microsoft's former chief technology officer

Indian individual inventors and research organizations are turning their patents into liquid with the entry of firms like Intellectual Ventures into Indian markets. The investment fund, founded by Microsoft's former chief technology officer Nathan Myhrvold, has raised capital from individual investors and large companies, including Microsoft, Cisco, Intel, Verizon, Sony and Apple. The \$5 billion company reportedly planned in 2008 to spend \$100 million to buy or license patents across Asia. "We believe that over the next 10-20 years, institutes in India could make around \$1 billion a year if they can market their inventions," said Myhrvold.

Intellectual Ventures has formed similar partnerships with other institutes in India, as well as in China, Japan, Korea, and soon, Singapore - but it fits into the broader strategy of fostering invention around the world. With collaborations with over 500 inventors around the world, Intellectual Ventures files over thousands of patent applications a year in more than 30 technology areas

including nanotechnology, biomedical devices, software and consumer electronics.

*Nevertheless,
Intellectual Ventures'
Indian operation seems
to be off to a strong
start. It is now staffed by
about 15 people, led by
Ashok Misra, the former
head of IIT-Bombay
and a highly respected
polymer materials
scientist.*

The reception Intellectual Ventures is getting also reminds me of Microsoft Research. While most university

officials see the partnerships as benefiting their researchers and increasing the flow of innovation, critics have rolled out the standard "patent troll" fears that the company is coming in to buy up all the best intellectual property—which will only be assuaged by years of relationship building and repeatedly demonstrating that these sorts of deals can benefit both sides.

Gibson, who also handles Intellectual Ventures' marketing and public relations in Asia, shed more light on the significance of the deal as well. "IIT-B is one of roughly 10 schools in India we are now working with. However IIT-B is one of the premier universities in India—one of the original IITs, so it is a little like working with, say, a Harvard or Stanford for us," he said. "We were excited and proud to make the announcement." (IIT-Bombay is known for its strength in electronics, software, chemistry, and materials, among other areas.)

Full financial terms of the partnership weren't disclosed. But Gibson says, "The arrangement is for the university...to send us invention disclosures from time to time as well as allow us to directly work with professors we have identified to partner on brand new inventions... The arrangement is not exclusive and the university is free to pick and choose which inventions it gives to us and which it doesn't. [Intellectual Ventures] pays a fee once we decide to actually accept the invention from the university and we pay all associated patenting fees. It is important to note that we are not purchasing these inventions, we are exclusively licensing them—it's a big difference that allows the university and the inventor to be better recognized for their invention by the companies that eventually license it." **IGB**



Q.1. I have a unique photograph snapped by self that I have already right protected and I need proper guidance in regard to what is copy right and how it helps to protect my creation ?

Answer: - As an IPR Advisor, I can suggest you to go for copyright protection because unique work is considered as artistic work. Copyright owners have the exclusive right to either do or authorize the doing of any of the following:

- to reproduce
- to issue copies of the work
- to perform the work in public, or communicate it to the public to make any translation or adaptation of the work.
- to sell or give on hire, or offer for sale or hire a copy regardless of whether such copy has been sold or given on hire on earlier occasions

Filing and procedure of Copyright Application for unique Photograph is as following:-

Step 1: An application for copyright on Form-IV accompanied by four copies of the work is to be made on Form IV (Including Statement of Particulars and Statement of Further Particulars) along with the prescribed fee at Copyright

Office of the Department of Education, New Delhi.

Step 2: The Copyright Office initially provides a filing number and filing date and issues a filing receipt.

Step 3: Thereafter, the application is examined and objections by the office if any, or any extra documents required are requested.

Step 4: Defects will be communicated to the applicant in FER. A response has to be filed within 30 days

Step 5: Once the application is found to be in order it is accepted and the Copyright Office issues the registration certificate.

Duration of registration:-

Photographs is protected for 60 years from the end of the year in which the work is made available to the public with the consent of the owner of the copyright or published, or, failing such an event, for 60 years from the end of the year in which the work is made.

Q.2. I, an Indian inventor, have got a patent in India for a method of

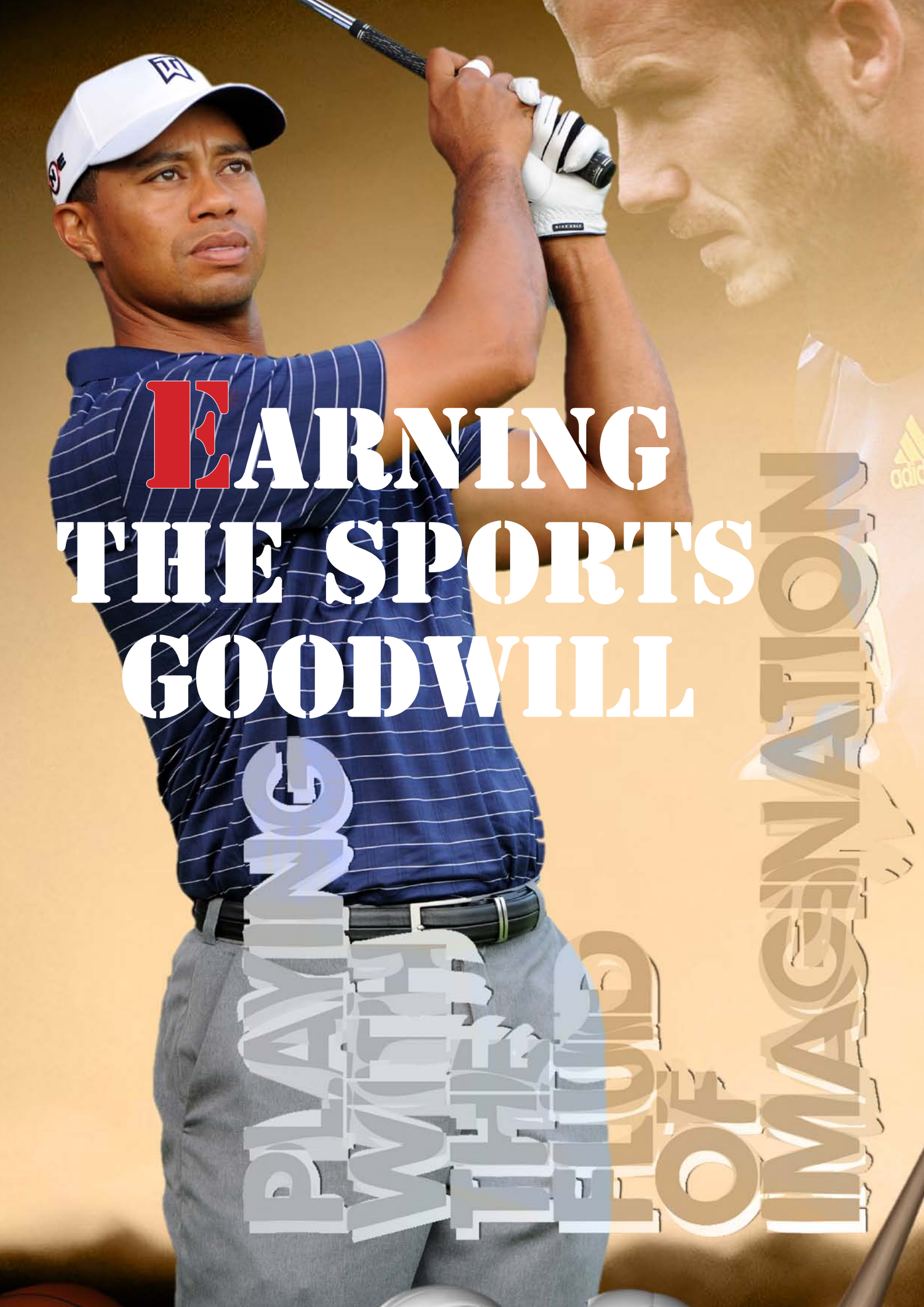
manufacturing a food product of Pizza. The patent is in force from 10 Jan 2004. Recently I made some important improvement in my product and seek your advice for protecting the improvement and entire term of patents.

Answer: - Your patent is already in force and some improvements and modifications are done and if you want to protect those particular improvements, as an IP Advisor I suggest you to go for patent of addition. Basically it's an application made for a patent in respect to any improvement or modification of an invention described or disclosed in the complete specification already applied for or has a patent u/s 54.

You have to first give the complete specification of the improved product of pizza and rest further procedure goes same as normal patenting in India-Search, Filing, Examination, Publication, and Opposition Registration. But a patent of addition shall be granted for a term equal to that of the patent for the main invention and shall remain in force during the main invention and no longer, no renewal fee shall be payable in respect of a patent of addition. **163**

***“EARNING
THE
GOODWILL”***





EARNING THE SPORTS GOODWILL

PLAYING
WITH
THE
FLOW
OF
IMAGINATION

Some people continue to live even after death. So what keeps them alive and remembered? It is the most intangible asset – The Goodwill - by which they are present in hearts of million of followers. So the most valuable asset to a celebrity is the goodwill associated with their name and such goodwill, if properly managed, can be turned into profit gaining centers and celebrities can earn from their IPR. Best example being Mr. Mahendra Singh Dhoni. According to Forbes, Dhoni was the world's highest paid celebrity last year, earning USD 8 million. And now by signing a three year deal with Rhiti sports Management, he has stolen the crown of endorsements from master blaster, breaking his record of the Rs.180 crore three year deal with sports management firm Iconic.

Nike is known around the world for being one of the most iconic brands; it was recently ranked as the world's 31st most valuable brand. Nike is also known for the consistent use of celebrities to endorse the brand. In fact one of the most successful collaborations between brand and a celebrity is that of Nike and Michael Jordan under which Nike launched a new brand variety called the Air Jordan line of sport shoes. Nike joined hands with ace golfer Tiger Woods' to enter the golf category with its appeal, equipment and accessories.

As celebrity endorsements are gaining on the basis of goodwill of celebrity, so to guard against the risk that celebrity commercial value might be damaged by misconduct, endorsements contracts commonly include morality or moral clauses. These clauses permit the advertiser to end the endorsement agreement if the celebrity does something to tarnish his or her image of the corporate sponsor or its product.

Woods is the world's richest, best known athlete, since turning pro in 1966, with his own 71 official PGA tour events, including 14 major championships, to his credit. His corporate sponsors included such well known brands as Nike, Gillette and AT and T. He made \$ 110 million in 2008-2009 mostly from corporate endorsements. Woods brand image took a serious hit after he crashed his SUV into a fire hydrant in November 2009. With Tiger Woods sex scandal in news, Accenture is the first one to back off the endorsements. Even after losing endorsements post his sex scandals, Woods remains the highest paid athlete in the world. Michael Jordan was accused of gambling and even Sania Mirza lost her brand value after her marriage to Shoaib Malik. Vishwanathan Anand charges Rs.25 lakh per appearance. His association with NIIT is 12 years old and was reported to be worth Rs.5 crore when signed in 1998.

SPORTS ENDORSEMENTS-TABLE

Celebrity	Sport	Profits
Tiger Woods	Golf	105 million USD
David Beckham	football	44 million USD
MS Dhoni	cricket	42 million USD
Sania Nehwal	badminton	Rs.35-40 lakh
Vishwanathan Anand	chess	Rs.25 lakh



Cinema Celebrity



What makes a celebrity different from an individual?

“A celebrity is a person who is well known for his or her well knownness.” The thread that seems to bind celebrities is that they are people who function to capture public attention regardless of what they did, or even if they did nothing at all.

Like most businesses, celebrity businesses have both tangible and intangible assets. Tangible assets are physical in form and can be touched and seen. Intangible assets are long lived resources that lack physical substance but convey valuable rights and privileges to the business. Patents, customer lists, trademarks and goodwill are examples of intangible assets. Intangible assets are generally classified in two categories: identifiable and non-identifiable. Identifiable intangible assets are those that generate economic benefits and are subject to specific identification and have a discernable economic life. Intellectual property is a class of identifiable intangible assets that are protected by law from unauthorized exploitation by others. The most well known non-identifiable intangible asset or class of assets is goodwill. Goodwill is often defined as the expectancy of repeat patronage and is generally not exchangeable in the same way other identifiable assets are exchanged.

Goodwill owned by cinema celebrities is exploited by all brand managers. Endorsement is a channel of brand communication in which a celebrity acts as the brand's spokesperson and certifies the brand's claim and position by extending his/her personality, popularity, stature in the society or expertise in the field to the brand. The latter part of the '80s saw the burgeoning of a new trend in India— brands being endorsed by celebrities. Probably, the first ad to cash in on star power in a strategic, long-term, mission statement kind of way was Lux soap. This brand has, perhaps as a result of endorsements, been among the top three in the country for much of its lifetime.

In recent times we have almost all big celebrities endorsing big brands and earning huge amount out of their face value. In the Indian context, it would not be presumptuous to state that celebrity endorsements can aggrandize the overall brand. We have numerous examples exemplifying this claim. A standard example here is Coke, which, till recently, didn't use stars internationally. In fact, India was a first for them. The result was a ubiquitously appealing Aamir cheekily stating Thanda matlab Coca Cola. The recall value for Nakshatra advertising is only due to the sensuous Aishwarya. The Parker pen brand, which by itself commands equity, used Amitabh Bachchan to revitalize the brand in India.

Celebrity	Brands Endorsed	Per Endorsement Cost (estimate)
Shahrukh Khan	Zee Dish TV, Airtel, KKR, Videocon, Pepsi, Hyundai	Rs. 7-8 Crore
Aamir Khan	Tata Sky, Tourism Ministry's 'Atithi Devo Bhava' campaign, Coca Cola, Toyota Innova, Parle Monaco biscuits, Samsung mobiles and Titan watches.	Rs 5-6 Crore
Kareena Kapur	Anne French, Citizen Watches, Globus Fashions, Vivel Di wills, Vaio	Rs.4-6 Crore
Amitabh Bacchan	BPL, Pepsi, ICICI, Parker, Cadbury, Nerolac, Dabur Hajmola, Rin, Himani Fast Relief, Navratna, Emami Boroplus and Eveready.	Rs. 3-4 Crore
Aishwarya Rai	Lux, L'Oreal and Nakshatra diamond jewellery.	Rs3-3.5 Crore

To conclude, cashing celebrity goodwill is now to be a serious business and celebrities' face value is not only helping celebrities to earn but also brands to get right positioning into market.



Dad gifted you a toy car.
Gift him a real one.



**“GOODWILL
INTRODUCES
GOOD
BUSINESS”**



When you hear the term intangible assets, do you think of copyrights, patents or trademarks? You aren't wrong, of course, but the term in today's information-based economy has taken on a much broader meaning.

We're all familiar with the tangible assets of our business: real estate, equipment, inventory, cash. These have a value on our books and are accounted for on our balance sheet. If yours is a business start up or service provider, a very high percentage of its value is likely to be in the form of intangible assets. Intangibles are given an arbitrary value at the time of ownership transfer, requests for capital and valuation for other purposes.

The term "business goodwill" is largely a function of the image your business has created in the marketplace. Whether a single entrepreneur or a company of hundreds, your reputation has value. It is based on the trust, respect and expectations your business activities have created. Your policies and your people are the drivers of this value. The more valuable your goodwill, the more it will be seen as a beacon in the marketplace. How would you value your goodwill?

The significant difference between the price paid and the net accounting value of the assets is termed as 'goodwill', and is placed on the consolidated balance sheet of the acquiring company. In Indian buy-outs like Tata Steel-Corus, Tata Motors-Jaguar Land Rover, United Spirits, Whyte & Mackay and Hindalco-Novelis— their acquisition prices were way above their respective book values. That's because the buyers did not just pay for assets minus liabilities, but also for 'soft' resources like brands, relationships with suppliers, distributors and customers, systems and product pipelines, a trained and functional staff, among other things. In the world of business the importance of the intangible asset is clear for all to see. How much of the £11.5bn Kraft agreed to pay for Cadbury attributable to its buildings, plant, cash or investments and how much to Cadbury's globally known brands and established customer relationships?

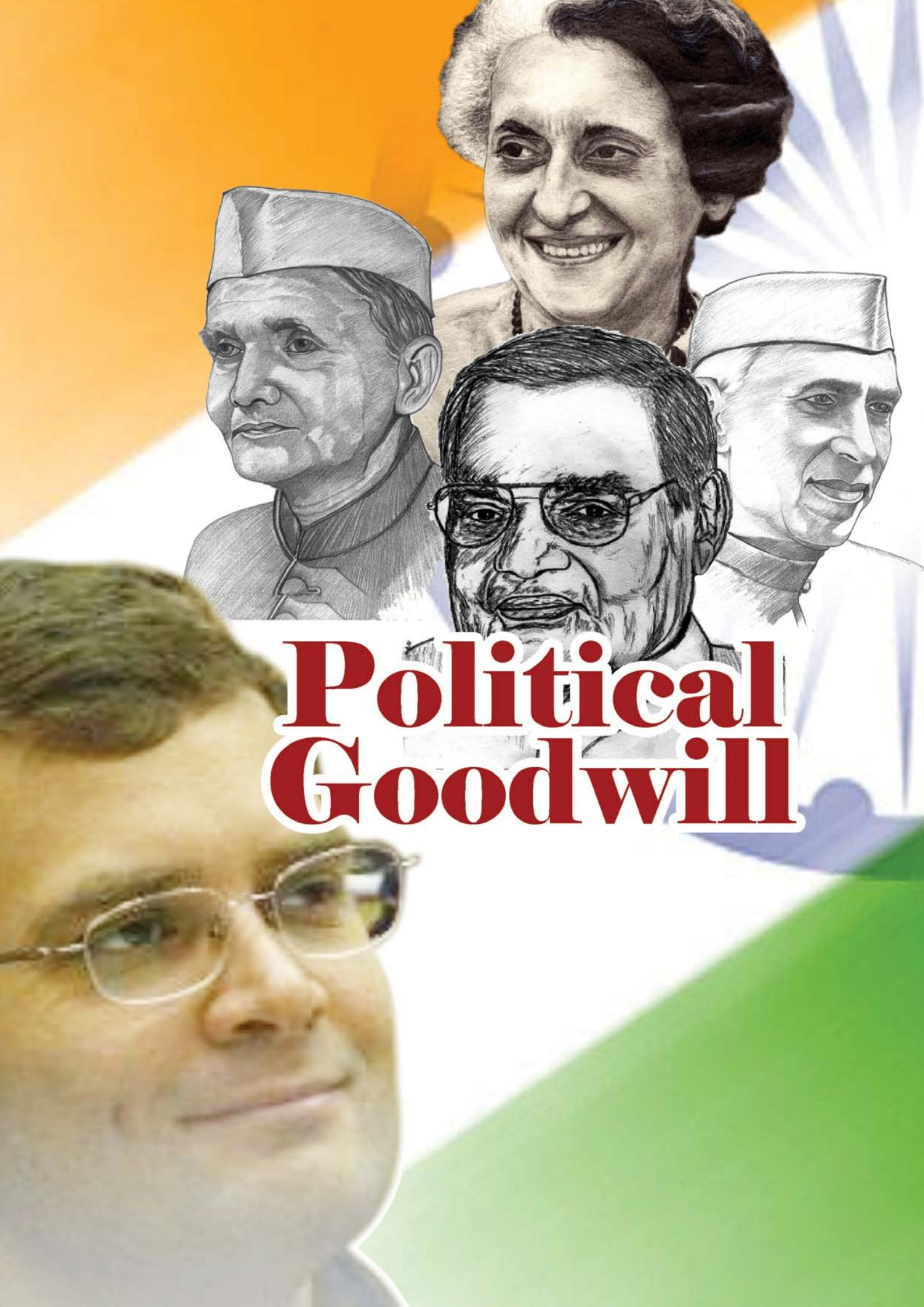
When Tata Motors bought Jaguar Land Rover from Ford, it certainly was not motivated to pay over £1bn for either an established flow of profits or the prospect of owning under-invested car plants in the West Midlands and Merseyside and a £600m pension deficit. Intangible certainly does not equate

to unreal.

At present, Indian firms account for goodwill as per Accounting Standards (AS) 26 and 28. When Indian standards converge with International Financial Reporting Standards (IFRS) 3, due from next year, generic goodwill accounting will stand abolished. IFRS 3 requires identifiable intangible assets to be recognised on the balance sheet of the acquiring entity. This is a significant change from most existing (non-US) national accounting standards. Further, IFRS 3 is more demanding than previous accounting standards. Goodwill and intangible assets with indefinite useful economic lives will need to be tested for 'impairment' (loss in value), at least annually. If goodwill assets are impaired, they have to be written down, and the loss has to be charged to the profit and loss account.

In order to minimise the potential goodwill impairment write-downs, Indian companies need to embrace these standards in letter and in spirit. They can limit the exposure to goodwill write-downs by carrying out a due diligence of the intangible assets embedded in the lumpy goodwill, and by breaking it up into various categories, and accounting for them accordingly.





Political Goodwill

Goodwill of political leaders and parties can work wonders. Americans elected Barack Obama as President of the United States because they believed that as a man of goodwill he would reach beyond the false absolutes of race, ethnicity, gender, sexual orientation and religious belief or lack thereof, to name but a few discriminatory possibilities, to receive people in process as human beings first and foremost. They believed that as a man of goodwill he would reach beyond what I term false absolutes, the false absolutes of secular and religious ideologies, to engage in process of the reality. Similarly in India, Rahul Gandhi is seen as man of good will carrying a long legacy of Gandhi Family. Rahul Gandhi hails from a powerful political family of India and is the son of Sonia Gandhi, Congress President and wife of the late Rajiv Gandhi, former Prime Minister of India. Rahul's great grand father Jawaharlal Nehru was one the founding members of the Congress party in independent India. Even though his mother entered active politics, Rahul did not show much interest until 2003. He slowly and steadily built his image as a youth force of the Congress party.


Rahul made his intentions to enter politics clear by making a goodwill visit to Pakistan to watch the two nations play cricket. In May 2004, he contested the elections and won a seat in the Lok Sabha by a huge margin. He started his political career from Amethi in Uttar Pradesh. His victory generated considerable media excitement and enthusiasm. The younger generation started looking up at him as a role model. Rahul Gandhi has been working steadily in building a strong image in the political scenario of

the country. His steps are proving him to be a mature human being and are building confidence amongst his supporters that one day he will be the future of Indian politics.

Over the years India has seen many great leaders with strong goodwill like Jawaharlal Nehru, Lal Bahadur Shastri, Indira Gandhi, Atal Bihari Vajpayee and others, who, with their unwavering commitment, courage and inspirational leadership, helped youth of the nation to move in the right direction. However, at this juncture, India welcomed Rahul Gandhi for the confidence of youth and being the motivating factor that can set standards for them.

Rahul Gandhi almost single-handedly won more than 20 seats in Uttar Pradesh and the Congress party a total of 204 seats in the Lok Sabha. His decision to go alone in the states of Bihar and Uttar Pradesh has proved to be very effective.

Rahul Gandhi has taken up Bihar as his 'Battle zone'. On his Bihar Campaign the youth icon visited Patna Women's college driving the students crazy. Rahul, who visited the college for an interactive session with the girls, had quite an impact on them. Rahul is relying on the youth for Congress's new membership drive - 'Team Bihar' - to repeat the success achieved in UP. At the same time he tried to win over the confidence of the greats of Nitish Kumar, Jayalalita, Navin Patnaik and Mamta Banerjee by praising their works in their respective states.

Over the years he has gained maturity and confidence and has gained a lot of popularity as well. In the years to come, the country will see Rahul as a young leader, on whom Indian youth is pinning all their hopes and aspirations. 

QUIZ



- Q 1. This beer company was founded to cater to a market for less gassy lager. Its beer was first brewed in Bangalore in 1990 and imported to the UK, until in 1997, it commenced brewing under licence with Charles Wells in the UK. Which company?
- Q 2. Which brand is named after John Manning _____, who patented the first semistiff collar in 1919?
- Q 3. Which TV channel's logo and name are inspired by the logo of the DMK?
- Q 4. What is the first name of this young lady, after whom a famous automobile brand was named?
- Q 5. Which textile brand was named after Dhirubhai Ambani's elder brother's son?
- Q 6. The name of this famous automobile manufacturing centre comes from the French for 'the strait'. This name originates from the name of a river, whose name literally means 'the strait of lake Erie', which linked Lake Erie and Lake Huron. Which city?
- Q 7. This German automobile manufacturing centre originated as a city famous for horse breeding in the 10th century. This led to the origin of the city's name, literally meaning 'stud garden'. Which city?
- Q 8. The name of this major automobile manufacturing centre in India comes from a term for 'city of virtuous deeds'.

1. Cobra Beer
2. Van Heusen
3. Spinnaker beer
4. Mercedes. She's Mercedes Jellinek, after whom the auto-mobile brand is named
5. Vimal suitings
6. Detroit, which literally means 'the strait'.
7. Stuttgart, which comes from 'Stutengarten', the German word for 'stud garden'
8. Pune, which gets its name from 'Punya Nagar'.

T rademarks

Tool for Brand Development



Much before Vodafone acquired Hutch in India, it was well recognized and famous for its girl and dog antics apart from the services it provided. Be it their “happy to help” or “wherever you go” taglines, people could be found humming to their song “you and I in this beautiful world” across the streets. But after Hutch became Vodafone they brought a new character called zoo-zoo, which not only sent the girl and dog into oblivion but also brought a revolution that wrote many success stories, won many awards and provided enough fodder and insight into numerous market research and brand development. Now it is a familiar sight to be seen - people sporting zoo-zoo t-shirt with élan and holding zoo-zoo key chains with gusto. Zoo-zoo as a trademark has established Vodafone as a brand on a firmer footing in such a short span of time.

In a layman’s language trademark can be vaguely understood as a mark capable of distinguishing the goods or services of one person from others. Cambridge advanced learner’s dictionary defines trademark as “a name or a symbol which is put on a product to show that it is made by a particular producer and which cannot be legally used by other producers”. It can be anything, for example a name, word, phrase, logo, symbol, design, image, colour, smell, sound, or a combination of these elements. The basic and primary purpose of a trademark is to facilitate an identity to a product or service so that customer can recognize and distinguish it from others. It also helps in preventing the public from being misled as to the quality of a product or a service and serve as an incentive to consistently



provide quality products or services in order to maintain their brand reputation. So the trademark acts as a tool to communicate about their brand to the masses.

Today the world finds itself totally in the grip of globalization. The big corporate houses are opening their branches across all continents and nationalities. The world has shrunk into a global village where everyone and everything is interconnected. News in the US media about its economic depression triggers the collapse of Bombay stock exchange. Rise and fall of multinational brands is a day to day phenomenon and a present day reality. Impunity has become a thing of the past in such global market scenario. Right communication is the catchphrase in dealing with socially and culturally diverse markets. It is not easy in such a milieu to establish a brand as brand development can be tricky and challenging. Choosing a well thought strategy on the basis of proper data and

research is the way to go about it. Selection of the proper trademark is an invaluable ingredient in success of any brand because it doubles up as the face to a brand. For example, Nike is synonymous with its trademark logo “swoosh” worldwide. Whenever you hear the word Nike, the image of it automatically comes to the mind.

Any brand needs to understand the demand of time and situation to remain competent in the market. Evolving policies which are apropos to the market and seeking appropriate changes are the craft of maintaining and developing a successful brand. Pepsi and coca cola both have changed their trademark logos several times since their inception two centuries ago. And today they are reckoned as the heavy weight in the industry of brand management and brand development.

Whereas some brand thrived, some failed to read the pulse of time. Nirma is

a classic example in this case. Think of Nirma and the picture of a little girl twirling around in her white frock with the familiar jingle “washing powder Nirma” comes to mind. Once, among the most recognizable Indian brands which replaced surf as a household name then and became one of the widely discussed case studies across oceans, failed to sustain its own success. Though they tried to reinvent themselves, enough time passed at the crossroad before they understood that a brand has to constantly refresh its communication. Liril also met with the same fate. So in such a market framework where out of sync concepts and ideas can prove fatal to a brand without giving any recovery time, trademark shoulders a multi-dimensional role which goes beyond the name, symbol or logo. It is not just a distinctive sign via which a brand is identified and recognized in the marketplace but a good and unique trademark adds to a brand’s value and makes it stand apart from competitors. Customer instantly recognizes a good trademark and relate to it quickly in accordance to things such as quality, brand, service and its benefits. For example, whenever you see a three sided star logo of Mercedes, you associate it with class, integrity and personality. Images of precision and luxury automatically snap in your head. It attracts and retains customer loyalty and increases the value of its brand. And that’s the power of trademark in development of a brand. People associate themselves with the brand. Plus, trademark provides their owner with the legal right to use it for their own business and company. It means others don’t have the right to use a similar mark. And in case a similar mark is used by others, it can be termed illegal. So, in a more apt terminology, a trademark can

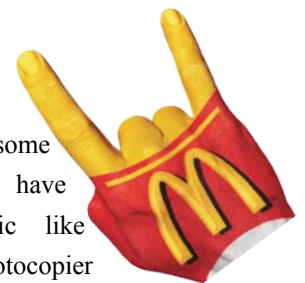
be defined as a legal concept whereas brand as a marketing concept. Even in tough economic times, trademarks strongly influence purchasing behavior as a consumer makes more careful decision, often reverting to “tried and trusted” brand. So in good times trademark makes sound business sense.

The industries can further capitalize on a trademark using it as an asset and propagate the development of a brand through licensing, where owner retains ownership and agrees to the use of the trademark by other company in exchange of royalties. Also in awarding franchising rights, they share their “know-how” along with their trademark. Trademarks effectively spread and develop their brand globally and emerge as brand leaders today.



Trademark is regarded as a valuable asset because a brand is built on the foundation of a protected trademark. It acts as a potent marketing tool and legal protection play a pivotal role in commerce. It is also regarded as an asset because it brings edge to a brand.

The companies like McDonald’s, Nokia etc. have used their trademarks effectively to spread and develop their brand globally and emerge as brand leaders today.




Where some trademarks have become generic like Xerox for photocopier and coke for soft drinks, some are busy reinventing themselves. Videocon has recently changed their trademark. So have Canara bank and UTI bank. So the market is in constant flux to create a distinct commercial impression in minds of consumer via trademarks and retain their loyalty. And it only looks fair in the chequered game of brand development.

IGB



AD

A large cargo ship is shown from a low angle, sailing on a blue ocean under a clear sky. The ship's hull is dark brown with a white stripe. A blue container is visible on the deck. The ship's mast and rigging are visible in the upper left.

Is India
losing at
International
Trade and
Commerce?

Developing Nations of the world have always been dominating on world's map. Developing Nations since long ages are trying hard to control the trade and commerce. In spite of the international standards setup by WTO and TRIPS some developed countries are out to follow new standards, making new governing units and working on clauses which are in contradiction to WTO-TRIPS. In an increasingly competitive world, the developed countries are pursuing intellectual property rights to retain the edge over poor developing countries.

The WTO - TRIPS agreement seeks to strike a balance between private rights of IP holders and public interest. However the developed countries are seeking to raise the bar by pursuing a TRIPS plus agenda, especially on IP enforcement.

TRIPS recognize IPR as territorial rights and IP is protected only in the jurisdiction where it is registered. However recent Anti - Counterfeit Act (ACTA) allows the right holders to seek seizure of goods in transition account of purported IPR violation through summary administrative action. ACTA provisions would be enforced through domestic IP laws. TRIPS - plus IP standards in the domestic laws of countries, even if outcomes of unilateral or plurilateral moves, would equally impact all countries by virtue of the WTO's most favored - nation clause. Consequently even goods of non-members would be subjected to such

TRIPS - Plus measures when they are exposed to or are in transit through such countries.

Kenya's recent Anti-Counterfeit Act even recognizes IPR protected in other countries. This would make generic goods imported into Kenya illegal. This has serious repercussions not only for Indian exports markets.

India, being a developing country is largely a knowledge driven economy. Thus it becomes very important to devise such an IP Policies where India's commercial interests are protected in WTO, where they create a binding legal effect. So what India should do in such scenario? While TRIPS permit the WTO members to have TRIPS - plus standards, such measures cannot breach the

fundamentals of TRIPS. ACTA provisions are not only TRIPS-Plus but are contravening the TRIPS clauses. The recent controversy over seizures of Indian drugs in transit by EU members saw their own public right activities take-up case against their own governments. Gullible nations need to be established about TRIPS-Plus norms for public health, technology transfer and access to knowledge.

A relative approach against EU members may not be India's best International move rather India should take a coherent approach in consultation with all the affected stakeholders. Also, currently, except for the Pharma industry, rest of the industries are unaware that such international moves are targeting software industry at next level. Therefore it is the need of the hour

that India should wake up and take proper legal route to combat the issue. **ICB**



MERCHANDISING COMMONWEALTH GAMES

The Delhi 2010 Licensing and Merchandising Programme aims at showcasing India's rich culture and its exceptional manufacturing and design capabilities. The Delhi 2010's licensing and Merchandising Programme will promote and create awareness about the Games and will strive to involve people by offering them a truly unique Games experience through specially designed Games merchandise.



The merchandising and licensing function is expected to be one of the main sources of revenue for the Organisation Committee (OC), which has got a loan of Rs 1,620 crore from the Central government for the Games. Apart from products like caps and clothing accessories, the organizing committee is also going to allow the manufacturer to put the Games logo on Wrist bands, umbrellas, key chains and generic items including stationery, collectibles, sportswear, casual wear, apparel for kids and infants, toys, lifestyle and luxury products and even cultural and handi-

craft items. There are five intellectual properties (brand properties) related to the games that can be leveraged by an appointed licensee or licensees. And they are Delhi 2010 logo, 2010 Commonwealth games mascot – Shera, games pictograms, signature elements and team India Logo.

Sports enthusiasts are already familiar with the IPs and have developed an affinity towards them. Manufacturers and retailers can cash in on this great opportunity, which will eventually aid in enhancing the whole look and feel of the event by increasing the fan base.

The OC has copyrighted around 50 design elements unique to 'Games 2010'. The designs have been applied to a variety of items, from scarves, coffee mugs, umbrellas, laptop covers, t-shirts, ties, key-chains, packaging papers, posters, visors and others to build the buzz about the Games.

*The sale of
merchandise is the
best way to advertise
the Games as well as
build a connection
with the common
man.*



T.S. Darbari, Joint Director General, Delhi 2010 XIX Commonwealth Games reveals, "There is an economic impact of these games. They contribute a lot to the GDP, for instance, Commonwealth Games held at Manchester in 2002, contributed USD 3400 million to the country's GDP, while that held in Melbourne in 2006 had an impact of USD 1600 million on Australia's GDP. The forthcoming CWG is expected to have an impact of USD 4940 million on India's GDP."

Unlike Beijing, whose public places like coffee shops, theatres, stations, public transport etc wore the 'Olympics' look months in advance with the help of the uniquely branded merchandise, Delhi is yet a long way to go. **IGB**



AD

Barack Obama on IP

A close-up photograph of Barack Obama speaking at a podium. He is wearing a dark suit, a white shirt, and a blue striped tie. A microphone is visible in the foreground. The background is dark and out of focus.

“Back in March Obama Stated, “Our single greatest asset is the innovation and the ingenuity and creativity of the American people... It is essential to our prosperity and it will only become more so in this century. But it’s only a competitive advantage if our companies know that someone else can’t just steal that idea and duplicate it with cheaper inputs and labor,” he told an audience in Washington DC.”



On 12th July, U.S. President Barack Obama wrote to Nancy Pelosi, speaker of the House of Representatives, requesting that she should spearhead efforts to ensure more funds to US Patent and Trademark Office (USPTO). On Tuesday, August 10, President Barack Obama signed into law P.L. 111-224 that gives the United States Patent and Trademark Office (USPTO) the authority to spend an additional \$129 million of the fees the agency will collect in Fiscal Year (FY) 2010. Due to an improving economy and increased patent examination productivity, the agency projects that it will collect nearly \$200 million more than its FY 2010 appropriation of \$1.887 billion.

The United States has also taken a very significant and important step in its efforts to fight against counterfeiting and piracy by presenting the Nation's first Joint Strategic Plan to Congress. This

plan - crafted by the U.S. Intellectual Property Enforcement Coordinator (IPEC) with assistance from relevant federal agencies - brings coordination between a wide range of government enforcement agencies to enhance and advance IP enforcement efforts.

When it comes to address the issue of intellectual property, Barack Obama is quite aggressive. Armed with Obama's support, Kappos has began the process of re-engineering the USPTO with gusto and has won almost universal praise in doing so.



David J. Kappos
Vice President and Assistant General Counsel, Intellectual Property Law, for IBM Corporation

Already, major changes have been introduced, by reforming the way in which examiners are assessed and rewarded, through placing greater emphasis on the PCT and patent prosecution highway, to beginning an overhaul of the office's creaking IT infrastructure. For the first time in years, the USPTO's user community - so often sullen and marginalised under previous administrations - seems to feel confident that there is meaningful and positive progress taking place. Earlier this year, during an interview that he gave in London, Kappos stated: "The president is

an incredible supporter of the IP system. He gets it. The US is an innovation economy. Creating jobs, making Americans healthier, improving the environment and many other things all depend on us being successful innovators. So having a capable USPTO is vital." **IBB**

Indian Retail Industry

Establishing a strong brand is pivotal to business success. Protecting that brand is equally important. Yet many small businesses overlook an important first step in securing their brand trademarks.



Intellectual Property in Retail India



Intellectual property (IP) is anything from a particular manufacturing process to plans for a product launch, a trade secret like a chemical formula, or a list of the countries in which your patents are registered. It may help to think of it as intangible proprietary information. The formal definition, according to the World Intellectual Property Organization is creations of the mind - inventions, literary and artistic works, symbols, names, images, and designs used in commerce. IP includes but is not limited to proprietary formulas and ideas, inventions (products and processes), industrial designs, and geographic indications of source, as well as literary and artistic works such as novels, films, music, architectural designs and web pages.

For many companies, such as those in the retail industry, IP is much more valuable than any other thing. By the turn of the 20th century, the face of the Indian retailing industry had changed significantly. The retailing industry, which, until the early 1990s, was dominated by the unorganized sector, witnessed a rapid growth in the organized sector with the entry of corporate groups such as Tata, RPG, ITC and Bennett Coleman & Company into the retailing market.

Establishing a strong brand is pivotal to business success. Protecting that brand is equally important. Yet many small businesses overlook an important first step in securing their brand trademarks.

A trademark is any unique word, symbol, name or device used to identify and distinguish the goods of one seller from the goods of another - think Nike's shoes, Reebok shoes, Benetton, Shopper Stop, Versace, Van Heusan clothes for example.



A trademark allows the seller to protect what's trademarked from use and/or misuse by competitors while building

brand loyalty among repeat customers. Trademarks also help prevent confusion or manipulation of consumers, who come to associate distinct attributes—in particular, quality—with a distinct brand.

Mostly in India there are such retail operators, who apart from offering retailing services, place their own brand along with the manufacturers' brand in their retail outlets. Another variant is that the retail operators purchase unbranded products and sell them under their own brand. In the latter two cases, registration of the retail brand must be done not only as a service mark but also as a trademark in relation to the relevant goods to which the retail brand is applied.

And there are also such who sell their wares through their own retail outlets (for example, the well known manufacturers of clothing, Raymond and Bombay Dyeing, jewellery manufacturers such as InterGold, Orra, Tanishq and watch manufacturers such as Timex).

Most of these manufacturers have registrations of their brands in respect of goods but seldom register their brands for retail services rendered under that brand.

Such non-registration can cause serious difficulties. For example, in one case pertaining to any textile firm A, an unauthorized retail shop is selling several brands of clothing, including A textiles. This shop had put up a 'A' signboard at the entrance suggesting that it was an outlet authorized by A. A is not able to prevent such use — the court ruled that the retail shop owner was entitled to use 'A' on its signboard as he was selling genuine A clothing too. If A had a retail brand registration, i.e., registration for A for rendering retail services in respect of clothing, then it is likely that it may have

been able to prevent use of its mark on the signboard on the basis of infringement of its service mark registration.

With the liberalization and growth of the Indian economy since the early 1990s, the Indian customer has witnessed an increasing exposure to new domestic and foreign products through different media, such as television and the Internet. Apart from this, social changes also had a positive impact, leading to the rapid growth in the retail industry. Increased availability of retail space, rapid urbanization, and qualified manpower also boosted the growth of the organized retailing sector.



According to a report by Northbridge Capita, the Indian retail industry is expected to grow to US\$ 700 billion by the end of 2010. By the same time, the organized sector will be 20% of the total market share. It can be mentioned here that, the share of organized sector in 2007 was 7.5% of the total retail market.

These developments require new strategies for protection of retail brands, which are often the most important assets of retail operators. Protection of retail brands is necessary not only to sustain existing operations but also to generate new profit avenues through licensing of retail brands.

Trademark protection of retail brands is crucial. Until recently, trademark registration was only available for goods and not for service marks. This was a major disadvantage for retail brands as retailing is essentially a rendering of services and hence no adequate protection through registration was available for retail brands.

Under Trademarks Act, 1999, apart from trademarks, it is also permissible to register service marks. Accordingly, it is imperative to register retail brands as a service mark under the relevant Class 35 of the Trademark Rules.

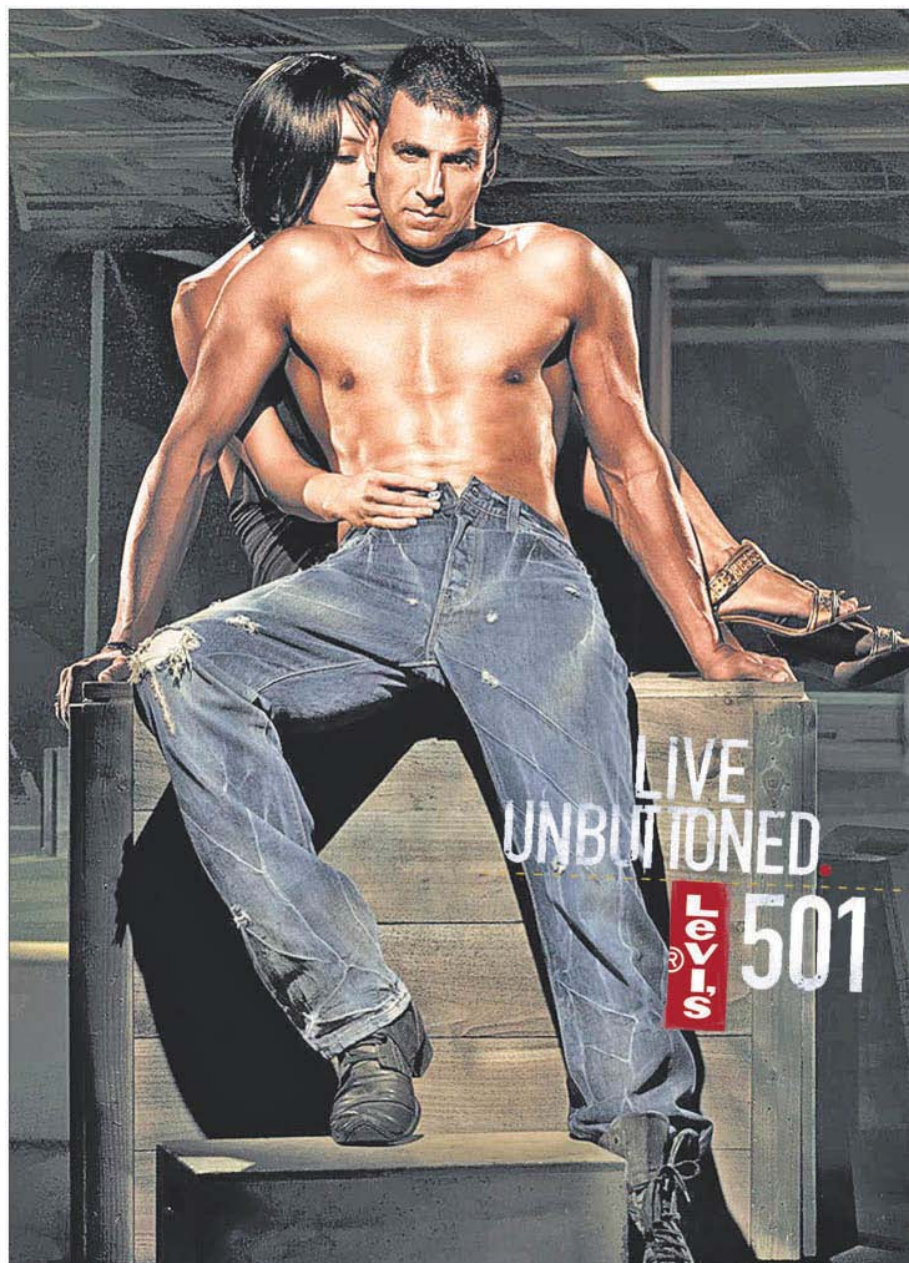
The increasing globalization of business brings with it a greater need for harmonization of trademark law and policy, central to which must be consistency in operation and application. Trademark owners doing business in diverse corners of the world, which may be governed by different legal systems, must have reasonable expectations of the scope of their trademark rights, as well as how and to what extent such rights will be enforced. As trademarks have evolved over the centuries from maker's marks to, in some cases, valuable marketable properties in their own right, both the public and private sectors must place greater emphasis on trademark protection.

From the brands' point of view, several aspects of retailing need understanding. Some retail operators may only sell or render retailing services in relation to third party branded products. In this situation, registration of the retail brand should only be as a service mark in respect of retail services.

Till 2006, the government policy had put 'no entry' board on foreign investments in the retail trade sector, the effect of which was that major international retailers were prohibited from setting up their retail operations in India. Due to the recent liberalization measure with regard to foreign direct investment in the retail trade sector is directly linked with trademarks. Now, with government approval, 51 per cent of foreign direct investment is allowed in retail trade of a 'single brand' product'. And these retail trade operations in ventures having foreign investment up to 51 per cent are required to sell products under a single brand only and the same brand should be in use internationally. Further, the product categories should be approved by the government. Finally, the products will be branded during the manufacturing process.

An examination of trademark laws and practices, as they exist today, must necessarily begin with a look at their origin and evolution. Trademarks originated as craftsmen's marks that artisans and others put on their goods to distinguish them from those of other artisans.

The brand names that one sees today are the present incarnation of the old maker's mark and often, after years of mass-marketing, have become so well-known that they acquire immense value themselves, not merely because of the value of the goods to which they are



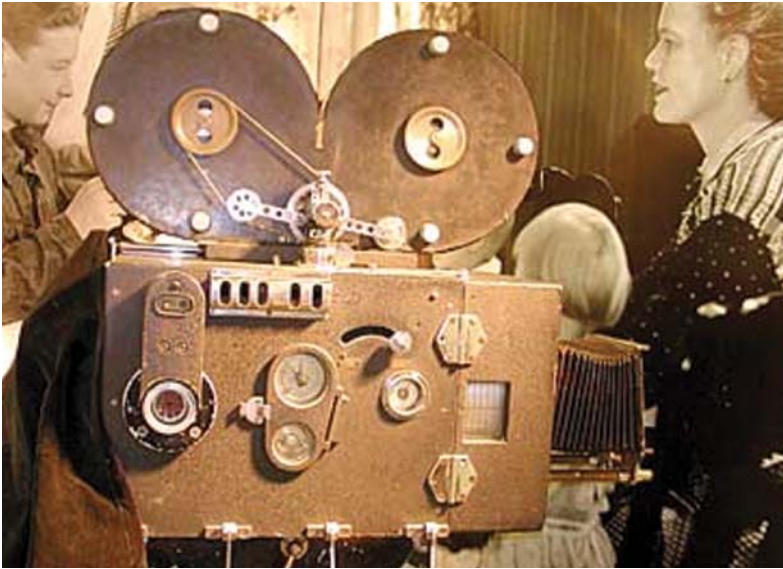
applied, but because of the goodwill created among consumers, with the resultant capacity to sell goods, and not just the goods to which they were originally applied and for which they became famous. Thus, today, trademarks themselves often become the equivalent of valuable goods, to be bought and sold.

Though the term 'single brand' is yet to be defined, probably, retailers such as Wal-Mart and Tesco whose products carry different brand names of various manufacturers will not qualify as retailers entitled to set up shop in India. On the other hand, companies like Levis, Rolex, Omega, Parker, Mont Blanc and Chanel, which want to set up retail operations in India would qualify for a license for foreign direct investment. Also, it should be noted that foreign retail companies which buy products from different manufacturers and then brand such purchased products (on selection basis) would not be qualified for license for establishing retail operations as their products would not be branded during the manufacturing process. ^{10B}



INNOVATION

4D moving camera technology



Source:-www.Google.com

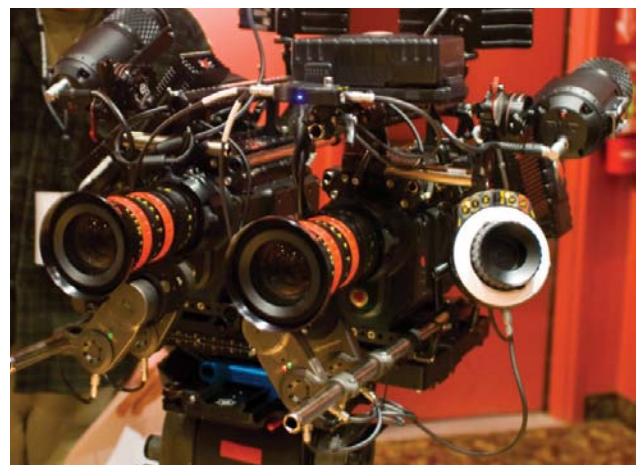
The history of films was started with moving images slowly and gradually cinema camera technology protruded to amuse vivacity of human epoch as an electronic trend. In 1891 first Kintoscope camera was used by Edison's, pioneer of moving picture as a series of a photographic images recorded and reproduced but a real vital exertion has been dated as December 28th 1895 considered to be the birth of projected film presented in a theaters, was presented by Antoine Lumière from Lyon, the director of a plant producing film materials, hosted in the Grand Café of Paris, 'a show of living pictures'. Among those invited was also the director of the Houdini Theater, the master illusionist Georges Méliès. The Movie shot was

taken by camera that was developed by lumiere'. It was the first time to use the term 'cinématographe', taken from Greek words 'kinéma' (movement) and 'graphein' (to write, to draw, to inscribe). After 1927, the frame rate was increased to 24 pictures per second. Those were black and white cameras but as technology never paused and in late 1930s Color cinematography developed. it took another 20 years to be genatly used, where various forms of wide-screen presentation in the cinema were extensively adopted.

The technology of 3D camera was announced in around 2001 and then started a new track of movie presentation where existed the 3D and Animation drift. In 2009 American epic science fiction movie AVTAR written and directed by James Cameron where the story spin around the planet 'unobtanium' on Pandora, a lush moon of a gas giant in the Alpha Centauri star system, Movie shots were taken by 3D camera for the process of creating a 3D capturing HD images.

3D cameras have 2 cameras mounted side by side to record. However, this camera puts the 2 cameras in to 1 and has a double lens on the front to capture images at eye widths apart providing the capability of representing 3D. The camera is HD but is still just in concept at the moment. The cameras capture 2 separate video feeds on to a P2flash memory system. This system combines the footage on to single stream to display on a 3D screen.

The other reformation in the technology of cameras and so the movie making now comes up with 4D effective cameras where



Source:-www.Google.com

spectators can feel the touch and punch of the happenings in the movie creating a sense of real motion. A 4D Plenoptic camera is also called as 4D light field camera or Digital Lens. The prototype plenoptic camera and software can change depth of field on a digital image after exposure. Announced in October 2005, the plenoptic camera prototype quickly grabbed the attention of photographers, technophiles, and industry insiders. Since then 4D camera technology powered up into the entertainment field rapidly.

Massachusetts Institute of Technology (MIT), the plenoptic camera is based on the work done by researchers John Wang and Edward Adelson in 1992. The new prototype consists of a 16-megapixel Contax 645 camera with added multiple microlenses in between the photo sensor and the main lens, thus turning a standard camera into a light field camera. The added microlens array measures light distribution on each ray of light, where the information that is normally lost on traditional cameras. By collecting that vital information through custom post-production software were able to compute sharpness at different focal lengths the Stanford researchers.




Scene From Movie AVATAR

4D Camera Images

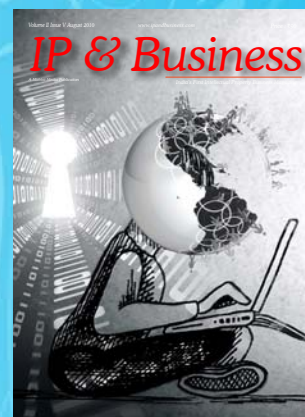
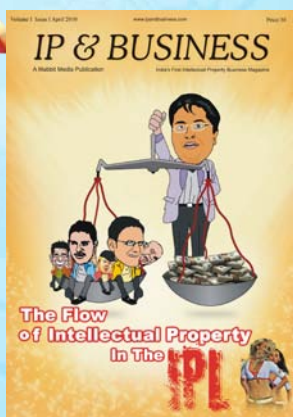
Source: www.Google.com

Researchers could then extract a different pixel from the microlens image to change the point of view of the observer across the aperture plane that alters the focal length of the “synthetic image,” according to a 2005 abstract “Light Field Photography with a Hand-Held Plenoptic Camera” by Ren Ng, Mathieu Bredif, and co-workers. The new plenoptic camera can essentially turning a 2D photo into 4D makes a sound sense.

It has one more advantage of the digital refocusing technology to improve image quality rather than simply increasing megapixel count. “Conventional cameras have already reached the limits of useful resolution for many common applications,” Since resolution in this case is relative to the size of the microlens and not megapixel count, the plenoptic camera could finally end the manufacturer megapixel war with a new innovation.

The 4D camera and software could also function as a money-saver. 





Special Subscription offer

Subscribe IP & Business Magazine



IP & BUISNESS Magazine:

Month	Cover Price	Actual Price	Discount	You Pay
12 Month	50	600	5%	570
24 Month	50	1200	10%	1080
36 Month	50	1800	15%	1530

TOTAL AMOUNT Rs:

Enclosed in cheque/DD No Dated _____ Bank drawn _____

Please write your name and address on the reverse of the cheque/DD Favouring "Mabbit Communications Pvt. Ltd" for Rs.

Name

Adress _____ City _____ State _____ Pin _____

Phone Email _____

Please fill this order form and send or mail it with your remittance to MABBIT COMMUNICATIONS PVT. LTD 37, FIRST FLOOR, DEFENCE ENCLAVE, MAIN VIKAS MARG, DELHI - 110092

KNOWLEDGE SERIES



E-Commerce and IP

Electronic commerce, commonly known as e-commerce or eCommerce, or e-business consists of the buying and selling of products or services over electronic systems such as the Internet and other computer networks. The amount of trade conducted electronically has grown extraordinarily with widespread Internet usage. The use of commerce is conducted in this way, spurring and drawing on innovations in electronic funds transfer, supply chain management, Internet marketing, online transaction processing, electronic data interchange (EDI), inventory management systems, and automated data collection systems. Modern electronic commerce typically uses the World

Wide Web at least at some point in the transaction's lifecycle, although it can encompass a wider range of technologies such as e-mail as well.



Q. How intellectual property is related to e-commerce?

A. E-Commerce, more than other business systems, often involves selling products and services that are based on IP and its licensing. Music, pictures, photos, software, designs, training modules, systems, etc. can all be traded through E-Commerce, in which case, IP is the main component of value in the transaction. IP is important because the things of value that are traded on the Internet must be protected, using technological security systems and IP laws, or else they can be stolen or pirated and whole business can be destroyed.

Q. How intellectual property is related to e-commerce?

A. Take an account of things with intangible value and see how they can be protected.

Slogans, Symbols, Brand name	Trademark Protection
Website Designs, documentation or technical writing, software scripts, user interface materials, schematics	Copyright Protection
Technology, Business Method	Patent Protection
Contracts, Mergers or acquisition, product formulas, customer lists, business strategies, plans for technical enhancements to products	IP assets
Integrated Circuits	Design
Know-how of business	Trade-secrets

Q. What are IP issues in designing website?

A. One of the basic elements of E-Commerce business is the design and function of the company web site. Things to take into

consideration while designing website

- a. Content should be original
- b. Website Presentation should be unique and copyrighted by your company.
- c. If you are using a consultant, please make sure that contract of ownership is signed.
- d. If you are using a database, E-Commerce system, or search engine or other technical Internet tools licensed to you by another company, check the terms in the license agreement to see who owns the system. Make sure that you do have a written agreement, and get it checked over by a lawyer before you sign it and before any design, custom work or installation of the site begins.
- e. Do not distribute or download any content or music on your web site that does not belong to you unless you have obtained written permission from the owner to distribute it on the Internet.
- f. Make sure you are following copyright rules of the country.

Q. What are IP issues related to domain name?

- A.** A domain name is registered by you to enable Internet users to locate your company's site on the web. Company domain names may be registered in any number of "top level domains" called "TLDs". You can choose from the "generic top level domains" ("gTLDs"), such as .com, .net, .org and .info. Or you can choose from the specialized and restricted top level domains if you qualify (e.g. .aero for air travel and transport businesses, or .biz for commercial enterprises). You can also register your domain name under a "country code top level domain" ("ccTLD"), for example, .bn for Bulgaria, .cn for China, .ch for Switzerland.



When you choose your company's domain name, depending on where you register, you may pick a generic or common name, but if you pick a name that is distinctive, users may more easily be able to remember and search for it. Ideally, it could also be distinctive enough to be protected under trademark law, because domain names can be protected as trademarks in some countries. If you pick a common domain name (e.g. "Good Software"), your company could have difficulty in building up any special reputation or goodwill in this name and more difficulty in preventing others from using your name in competition.

Cybersquatting is one of the major problems faced under this category. Cybersquatting is registering, selling or using a domain name with the intent of profiting from the goodwill of someone else's trademark. It generally refers to the practice of buying up domain names that use the names of existing businesses with the intent to sell the names for a profit to those businesses.

How do you know if the domain name you want is being used by a cybersquatter? As a general rule, first check to see if the domain name takes you to a website. If it does not take you to a functioning website, but instead takes you to a site stating "this domain name for sale," or "under construction," or "can't find server," the likelihood increases that you are dealing

with a cybersquatter. The absence of a real site may indicate that the domain name owner's only purpose in buying the name is to sell it back to you at a higher price.

Of course, absence of a website does not always mean the presence of a cybersquatter. There may also be an innocent explanation and the domain name owner may have perfectly legitimate plans to have a website in the future.

If the domain takes you to a functioning website that is comprised primarily of advertisements for products or services related to your trademark, you may also have a case of cybersquatting. For example, if your company is well-known for providing audio-visual services and the website you encounter is packed with ads for other company's audio-visual services, the likelihood is very strong that the site is operated by a cybersquatter who is trading off your company's popularity to sell Google ads to your competitors.

A victim of cybersquatting in the United States has two options:

- sue under the provisions of the Anticybersquatting Consumer Protection Act (ACPA), or
- use an international arbitration system created by the Internet Corporation of Assigned Names and Numbers (ICANN).




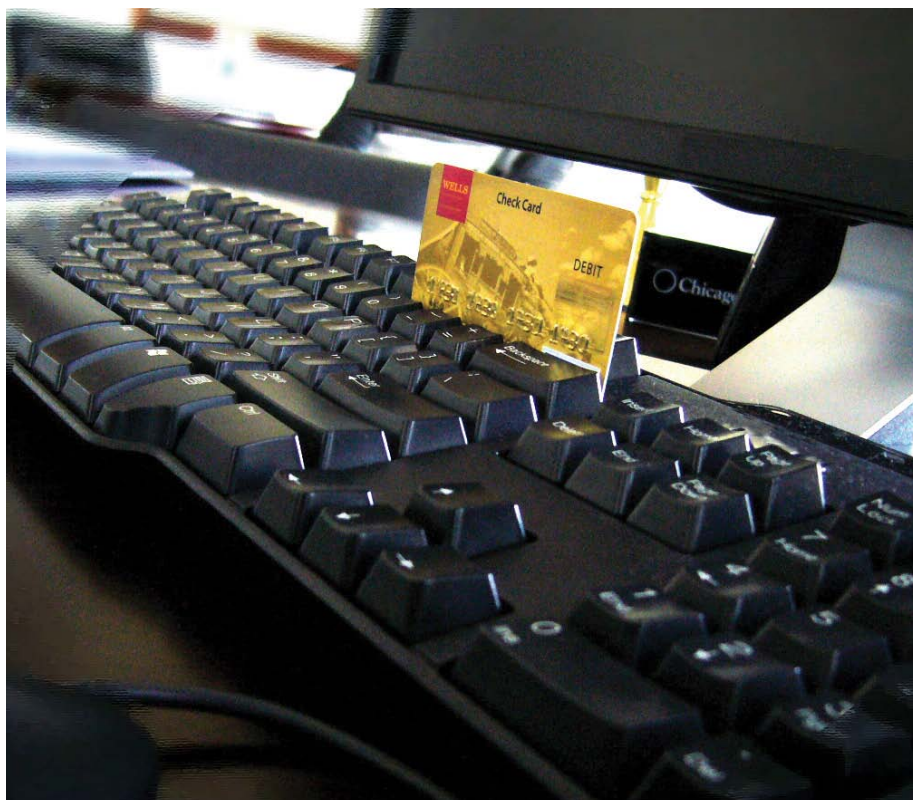
Trademark experts consider the ICANN arbitration system to be faster and less expensive than suing under the ACPA, and the procedure does not require an attorney.

Q. How Your E-Commerce Business is affected by Patents?

A. Patents are not just for large companies. Patents are not only for high technology.

Some of the most successful E-Commerce companies have used patents for business methods and “low-tech” inventions. Patents can help your E-Commerce business in a number of ways.

- They motivate employees who enjoy challenges and who may benefit from remuneration or other benefits from the company.
- They help record and develop new ideas.
- They can increase the valuation of your company in the context of investment, finance, merger and acquisition transactions.
- They can support an increase in the price of your products by giving your company products exclusive features unavailable to competitors.
- They can increase sales of your products by giving your company products exclusive features unavailable to competitors.
- They can be a source of royalties in licensing transactions, thus adding revenues to your company bottom line. Such royalties can be in a lump sum, in installments, based on units of product sold, or based on a percentage of revenues from sales of product.
- They can permit your company, if it grants licenses to the patent, to expand its markets and/or create a platform, whereby licensees develop and differentiate products based on the patent.
- They can be used in connection with participation in standard bodies or consortia, where different companies join forces to create interoperability or promote a technology.
- They can be used defensively in case your company is accused of violating the patent of another company; you can protect your company from litigation and/or trade your patent against the accusing company’s asserted patent.
- They can help your company develop strategic alliances with other companies who wish obtain license of your patents and thereby increase their patent portfolios. 



AD

Career in IP Management

A man in a dark suit and yellow shirt stands on the large, golden, bowl-shaped pan of a massive scale. He holds a black briefcase in his right hand and gestures with his left. The scale's pillars and weights are ornate and golden, dominating the foreground. The background is a deep purple with glowing light effects and a bright circular light source behind the man.

“

IP Management is responsible for an organization's IP policy,
its IP strategy

IP + Economy + Law + Management = IP Managers

”

“IP Management is responsible for an organization’s IP policy, its IP strategy”

IP + Economy + Law + Management = IP Managers



In today’s highly competitive IP environment, your business and IP strategies must be getting dressed to maximize the value of your intellectual property assets, work as a valuable corporate asset and a strategic business tool. Recently a magazine research indicates that over 50% of the value of many business organizations is attributed to IP. Increasing significance of IP is forcing business organizations to actively manage IP, which is involved everywhere in this world of business - both in tangible and intangible mode – and the experts dealing with intangible assets are called IP Managers and its one of the most demanding fields of property management. It takes a high degree of analytical and critical thinking, as well as motivation to perform tasks with proficiency. It will be under your realm to have control of a secure budget, contracts, advertising needs, and relationships with contractors, financial representatives, owners, and occupants. They are trained to view various standpoints at the same time and develop interdisciplinary strategies.

Thousands of inventors file patent applications each year and it’s estimated that only one in 100 will cover costs and only one in 1500 become cash. Can this really be explained by the fact that patents are intrinsically unprofitable or we can estimate how to leverage them? But, of course, prediction and management can be handled by IP Managers as they can view multi dimensionally.

IP as a knowledge – based asset has different characteristics from tangible goods. IP temporarily transforms this pure public asset into private asset, if these aspects of IP are taken into consideration then sustained competitive advantages can be achieved.

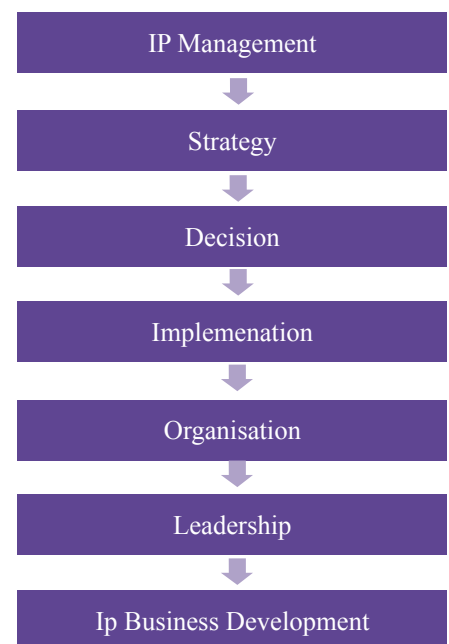
IP Managers are experts

- To advise on all matters related to Intellectual Property protection
- To secure and safeguard Intellectual Property generated in company under appropriate legislations in India & Abroad
- To maintain patent databases and disseminate technical information
- contained in patent documents amongst scientists
- To maintain Patents Inspection Centre established under the Indian Patents Act, 1970
- To organize various programmers’ for enhancing awareness about the IP laws and their operation at international & international levels
- To train scientists in labs about the

identification of patent-able inventions and their legal protection

- Protection of IP
- Securing IP rights for company’s R&D output
- Patent Information Services
- Maintaining Information system on Patents
- Safeguarding of IP rights
- Enhancing awareness about IP system.

They are experts in managing IP:-



Mingling experts of Science, Law and Management (IP Managers) in India, as per the results and analysis, IP Management in most Indian companies is still at an elementary stage. As we know that 96% of the patent portfolio is useless, hence only IP manger can evaluate and mange them. IP manager is the mingling of Science, law and management. So this field is really innovative for students and Indian economy too.

Basic IP- related legal and economic knowledge

Strategy	Management	Legal
Economy and market Strategy Objective Economic environment	Organization Human relationship management Cost accounting Investment and decision International trade	International IP law International Taxation Law of contact

Who needs IP Managers as professionals?

Government agencies,
R & D units in Pharmaceutical Industry,
Cosmetics & beauty product,
All design departments/units,
Agro based units,
Law firms,
Research organizations,
Voluntary organizations
Publishing houses,
All media units
Software industries,
Corporate houses hire intellectual property lawyers as in-house counselors, various MNCs;
Knowledge Process Outsourcing companies.

- Raise awareness of the principal concepts of IPM and its importance as a spur to human creativity and the advancement of economic and social development,
- Explain what constitutes IPM.
- Explain the economic rationale for IPM.
- Explain the process of innovation and value transference in the protection of intellectual property (IP).
- Explain the issues related to the commercial exploitation of IP.
- Raise awareness of the issues facing a manager in the management of IP in an on-line environment.
- Explain how to develop and implement a successful IPM strategy.

Institutes in India who provides IP Management courses:-

There are many institutes who have IP management as a part in their courses but only Indian Institute of Patent and Trademark Attorney had launched 6 months diploma program in IP management. Indian Institute of Patent and Trademark Attorney are resolved by one dimension view and approaches to multi dimensional view in IP field.

Six Month Diploma in Patent Management in IIPTA

With the increasing demand of IPR sector in every field we are educating students with diploma program. This program will create IPR Professionals with high end knowledge.

- Raise awareness of the principal concepts of IPM and its importance as a spur to human creativity and the advancement of economic and social development,


This course has the following aims

- Explain what constitutes IPM.

That's the reason of hiring an intellectual property (IP) management firm brings a lot of benefits to the owner. One of the greatest benefits it brings is the owner will able to know his or her intellectual property rights. These IP rights provide owners the unique IP rights of commercial leverage in the market place. It also provides protection to the owners against their competitors.^{IGB}



AD

A couple is sitting on a sandy beach, looking out at the ocean under a bright blue sky filled with white clouds. A large heart shape is formed by a cluster of clouds in the center of the sky. The words "LOVE YOUR LIFE" are written in a blue, sans-serif font, curving around the heart shape. The text is repeated four times, once for each side of the heart. In the center of the heart, there is a paragraph of text in a reddish-brown font.

LOVE YOUR LIFE LOVE YOUR LIFE
LOVE YOUR LIFE LOVE YOUR LIFE

Mounting obligations
and hectic schedules can make it all too
easy to lose track. But whether it's the little
things in life that make you smile, or the
joy of working toward a larger goal,
focusing on your happiness each
day can help protect your
emotional wellbeing
and your physical
health.

Love your life

Do what really makes you happy

Mounting obligations and hectic schedules can make it all too easy to lose track. But whether it's the little things in life that make you smile, or the joy of working toward a larger goal, focusing on your happiness each day can help protect your emotional wellbeing and your physical health.

Enjoy distractions

When you're adding items to your to-do list, don't forget the good stuff. If you look forward to reading in bed, going out to breakfast, taking long walks, listening to music, or just sitting quietly outside, make time for at least one of your favourite diversions every day.

Consider crossing out pesky items on your list that you keep saying you're going to do but haven't gotten to in over a year, like alphabetizing your bills or organizing your sock drawer. Or get rid of a time-consuming chore that isn't enhancing your life one bit.

Be kind to yourself

We all have low-energy days, but if you can resist the urge to skip your daily workout when you're feeling low, you'll be rewarded both now and later. Try this trick: Tell yourself that you need to do only 10 minutes of exercise. Once you're up and moving (and feeling better)

you'll most likely want to finish your workout. Even if you can't push past the 10-minute mark on the occasional bad day, you'll feel good about doing at least a little something. Sticking with an exercise plan helps you feel good about yourself, strengthens your immune system, and enhances production of mood-boosting hormones.

Bust that stress

Defuse daily hassles by practicing stress-reduction strategies. Try taking deep-breathing breaks throughout the day, inhaling through your nose and then exhaling slowly through your mouth.



Repeating this action three or four times allows more oxygen to get into your bloodstream, creating a feeling of calm. Progressive muscle relaxation, yoga, and meditation also are effective ways of reducing tension, stress, depression, and anxiety. And a brisk 10-minute walk will do far more to dissipate your stress and lift your spirits than eating the bad-for-you snacks you might crave when feeling frantic.

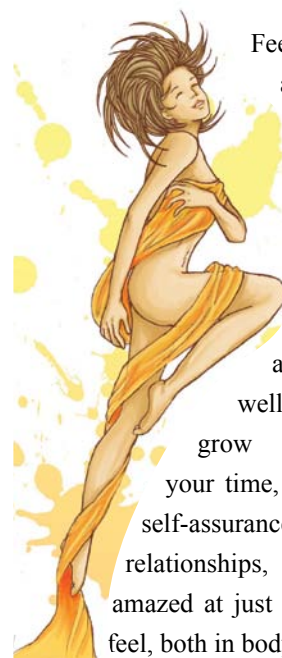
Share your skills for happiness

Volunteer at a local school, club, or community organization. Not only will sharing your unique talents and expertise benefit others, but research shows that volunteering can make you happier and improve your wellbeing, too. Feeling engaged and involved in your local community is good for your emotional health. It's also an opportunity to learn new skills and meet new people. Win-win.

Connect with loved ones

Unwind and share a few laughs with your family or friends at least once or twice each month. The openness and trust you share with the important people in your life can help give you the perspective you need to cope with everyday challenges. These regular connections will also have a positive impact on your health, especially when you share a good laugh. Laughing lowers blood pressure, reduces stress hormones, and releases endorphins that can ease pain.

Also, don't neglect relationships at work. Colleagues and co-workers can provide valuable support and keep your blood pressure under control during stressful situations.



Feeling satisfied and fulfilled with your life is an essential part of your emotional and physical well-being. As you grow to appreciate your time, independence, self-assurance, skills, and relationships, you will be amazed at just how good you feel, both in body and in spirit.

IGB

Living Digital

Sony Ericsson Zyl0

The Walkman series is back with the suave social networking phone.

Whats Hot

- Looks
- Long battery
- Fluid UI
- Good social networking integration
- 3G
- GPS



Whats Not

- No 3.5mm audio jack
- No standard USB port
- Average sound quality

Whats Hot

- Looks
- build quality
- display
- UI
- processor
- camera
- 720p recording
- sound



Samsung S8500 Wave
The slim and sexy phone is all set to drown its competition.

Whats Not

- placement of speaker grill on top
- 30 day navigation app
- limited apps in app store
- memory card not hot swappable

Whats Hot

- Looks
- Performance
- connectivity
- full HD resolution

Whats Not

- Wobbly stand
- price

Samsung P2370MS monitor

Scores on looks and performance, but comes with its share of quirks





Little Glass of Wine

The list of wine's benefits is long—and getting more surprising all the time. Already well-known as heart healthy, wine in moderation might help you lose weight, reduce forgetfulness, boost your immunity, and help prevent bone loss.

1. Sharpen your memory

Wine could preserve your memory. When researchers gave memory quizzes to women in their 70s, those who drank one drink or more every day scored much better than those who drank less or not at all. Wine helps prevent clots and reduce blood vessel inflammation, both of which have been linked to cognitive decline and heart disease, explains Tedd Goldfinger, DO, of the University of Arizona School of Medicine. Alcohol also seems to raise HDL, the so-called good cholesterol, which helps unclog your arteries.

2. Fighting the body fat

Studies find that people who drink wine daily have lower body mass than those who indulge occasionally; moderate wine drinkers have narrower waists and less abdominal fat than people who drink liquor. Alcohol may encourage your body to burn extra calories for as long as 90 minutes after you down a glass. Beer seems to have a similar effect.

3. Boost your body's defenses

In one British study, those who drank roughly a glass of wine a day reduced by 11% their risk of infection by *Helicobacter pylori* bacteria, a major cause of gastritis, ulcers, and stomach cancers. As little as half a glass may also guard against food poisoning caused by germs like salmonella when people are exposed to contaminated food, according to a Spanish study.

4. Guard against ovarian woes

When Australian researchers recently compared women with ovarian cancer to cancer-free women, they found that roughly one glass of wine a day seemed to reduce the risk of the disease by as much as 50 percent. Earlier research at the University of Hawaii produced similar findings. Experts suspect this may be due to antioxidants or phytoestrogens, which have high anticancer properties and are prevalent in wine. And in a recent University of Michigan study, a red wine compound helped kill ovarian cancer cells in a test tube.

5. Build better bones

On average, women who drink moderately seem to have higher bone mass than abstainers. Alcohol appears to boost estrogen levels; the hormone seems to slow the body's destruction of old bone more than it slows the production of new bone.

6. Prevent blood-sugar trouble

Premenopausal women who drink one or two glasses of wine a day are 40 percent less likely than women who don't drink to develop type 2 diabetes, according to a 10-year study by Harvard Medical School. While the reasons aren't clear, wine seems to reduce insulin resistance in diabetic patients.

Cheers! 

FOR HIM OR HER

Anushka Shankar Collection - Haute Curry

Clutch

MRP. 799



FOR HER



Eliza Donatein Handbag

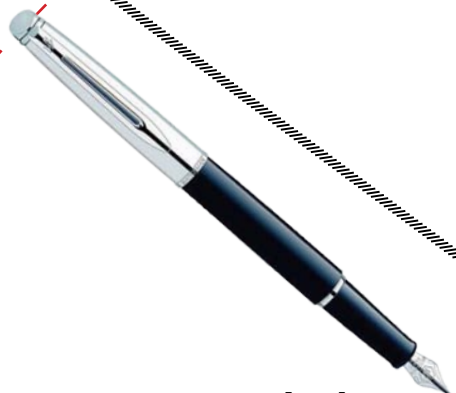
MRP. 1199

Lucera Rhodium plated Sterling Silver Ring, Earring pendant Set
MRP 2275

Waterman Hemisphere Satin

Black CT Fountain pen (Bold)

MRP. 2560



FOR HIM



NOVAWallets

MRP: 495/-



Zodiac Tie

MRP-999/-





AD



AD