



WTO-IPR Bulletin

G.B. Pant University of Agriculture & Technology, Pantnagar, Uttarakhand-263145

Scientists made aware about Intellectual Property Rights

A conference on 'IPR and IPR Portfolio Management' was organized at the University with the objective of sensitizing the scientists and faculty of the university about IPR on June 5, 2015. About 200 scientists and faculty members of different colleges were present on this occasion. The conference started with the opening remarks of Vice-Chancellor of the University, Dr. Mangala Rai. He said that in this era knowledge has become wealth and since knowledge is infinite, hence wealth is also infinite. This wealth can be acquired with proper knowledge of IPR by patenting the technologies and products of our research. He extorted the scientists to increase their awareness about IPR so that the requirements of patenting a product are known to them and complied by them since the beginning of research programme. He also announced of establishing a new Intellectual Property Management Centre in the University to assist scientists. In the conference Dr. H.S. Chawla, Head of Genetics and Plant Breeding Department, told about the basics of IPR. Dr. J.P. Mishra, Assistant Director General (Retired), ICAR, told about awareness for significance of IPR in research and education, Dr. Shashank Mauria, Assistant Director General, ICAR, told about assimilating IPR dimensions in NARS, Dr. Kalpana Sastry, Joint Director, NAARM, ICAR, deliberated upon the capacity development towards intellectual property and technology management in agriculture, while Dr. Vilas Tonapi, Principal Scientist, IIMR told about IP asset management for institutional growth in NARS. A panel discussion was held with the panelist Dr. J. Kumar, Dean Agriculture; Dr. G.K. Singh, Dean Veterinary & Animal Sciences, Dr. Reeta Goyal, Head, Microbiology; Dr. S. Mauria, Dr. Alka Goyal, National Professor, Textile and Clothing; and Dr. S.N. Tiwari, Professor, Entomology.

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chawlahs15@gmail.com or
chawlahs_pantnagar@rediffmail.c

GI Tag for 9 Northeast Agro Products

Organic ginger produced by tribal farmers in Karbi Anglong district of Assam has been provided with GI registration. Sources in Assam Science Technology and Environment Council, nodal agency for GI registration, said along with ginger, GI registration has been granted to Arunachal Wakro orange, Tezpur's litchi, Meghalaya's Khasi mandarin, Sikkim's large cardamom, Mizoram's bird eye chilly, Manipur's kachai lemon, Tripura's queen pineapple and Nagaland's tree tomato. Karbi Anglong in Assam reportedly produces the best organic ginger in the world. Its average annual production is 30,000 tonnes and is grown by nearly 10,000 tribal farmers. The ginger grown here has low fibre content. Some of its varieties which have high dry rhizome and high recovery of oleoresin oil are in demand among domestic buyers and exporters. It is due to the efforts of Ginger Growers Cooperative Marketing Federation (GIN-FED), started in Karbi Anglong in April 2007, that ginger produced here has gone global. The North Eastern Regional Agricultural Marketing Corporation Ltd (NERAMAC) was the applicant for GI registration.

[Source: The Tribune, 23 May, 2015]

New Patent Search Facility – INPASS

The Controller General of Patents, Designs and Trademarks recently announced the launch of an advanced Patent Search Facility – INPASS. This move is mainly done to bring about more transparency in the Patent System and make the information more accessible to the public. The new Patent Search Tool – INPASS, enables a full text search for the Patents and also allows patent search through wild cards, truncation and Boolean operators. The launch of INPASS will lead to the withdrawal of the previous system – IPAIRS (Indian Patent Information Retrieval System).

[Source: MIPR, Vol1, part 3, 2015]

Basmati Rice to get IPR Protection

India's famous Basmati rice is set to get intellectual property rights (IPR) protection in the home country. With its exporters supporting the Centre's view that Madhya Pradesh can't be deemed part of the Indo-Gangetic plain, decks have been cleared for Basmati's entry into the coveted Geographical Indications (GI) Registry. GI protection in India

would lead to similar recognitions in other countries, which means India's competitors would be barred from using the Basmati tag. India's basmati rice exports, which had touched a record Rs 29,000 crore in 2013-14, fell to Rs 27,600 crore in 2014-15, due to a decline in shipments to Iran. Official sources told FE that Chennai-based Intellectual Property Appellate Board (IPAB) is slated to hear the claims of all the parties for three consecutive days during July 8-10 for granting GI certification to basmati rice. The GI Registry, in a directive issued on December 31, 2013, had asked the Centre if Madhya Pradesh could be included in the definition of traditionally basmati-growing geography, inviting strong reactions from the commerce and agriculture ministries, which thinks the state's claim is unjustified. Even as the issue was pending with the GI Registry, the Madhya Pradesh government had moved the IPAB. The Agricultural and Processed Foods Export Development Authority (Apeda) has now told the IPAB that MP's claim is invalid. Under the Geographical Indications of Goods (Registration and Protection) Act, 1999, Apeda is designated to be the custodian of GI rights for farm produce. "Considering the Madhya Pradesh case for inclusion in basmati growing region would amount to playing with rights of those farmers who have been traditionally growing basmati in Indo-Gangetic plain," a commerce ministry official said. Leading agricultural scientists have also opposed Madhya Pradesh's attempt to be included in basmati-growing regions, by stating that it would adversely impact the 'quality' of basmati rice and sully its global repute. "Claiming rice grown in Madhya Pradesh as basmati is not correct as we have developed seed varieties keeping in mind agro-climatic zones of the Indo-Gangetic plain," KV Prabhu, deputy director, Indian Agricultural Research Institute (IARI), and a well-known rice breeder, had recently said. In 2009, Apeda under the commerce ministry had applied to the GI Registry asking for exclusive (commercial) use of the basmati tag for the grain varieties grown within the boundaries of the Indo-Gangetic plain in Punjab, Haryana, Uttarakhand, Himachal Pradesh and 26 districts of western Uttar Pradesh and two districts of Jammu and Kashmir. GI ascribes 'exclusivity' to the community in a defined geography rather than to an individual as in the case of trademarks and patents. Madhya Kshetra Basmati Growers Association Samiti and a leading basmati rice exporter, LT Foods, along with Madhya Pradesh's department of farmer welfare and agriculture development, had approached the GI Registry jointly in 2013. During 2008-10, India and Pakistan had initiated steps to register basmati under GI as 'joint heritage' for protecting its premium market abroad. But that bid did not fructify due to opposition to it within Pakistan. In the absence of GI, many private companies have been unsuccessfully trying to register their products as 'basmati', which commands a premium in the global market. The IARI has developed Pusa 1121 basmati rice variety, which is grown in more than 60% of basmati rice areas. **[Source: The Financial Express, 26 May, 2015]**

Pharma Companies Dominate 2014 list of Indian Firms Filing for Global Patents

Led by companies such as Ranbaxy, Wockhardt and Hetero, the pharma sector dominates the list of top Indian filers under the Patent Cooperation Treaty (PCT) in 2014, seeking protection internationally for their inventions. Overall, the field of organic fine chemistry led the India filings with 301 PCT applications last year, a growth rate of 9.5%, followed by pharmaceuticals with 284 filings. The list of the top 10 is led by research organization CSIR with 117 filings in 2014. India's share went up by nearly 6% with a total of 1,394 PCT filings in 2014, data culled from the World Intellectual Property Organization (WIPO) said. PCT filings, managed by WIPO, assist applicants in seeking patent protection internationally for their inventions, and facilitate the acquisition of patent rights in multiple jurisdictions. Though it is not a patent filing system, it is, however, indicative of patent-filing trends around the world. Together, China and US accounted for 87% of the total growth in filings under WIPO's PCT, which saw some 2,15,000 applications in 2014, a 4.5% increase over the previous year. After China, India (1,394) is the largest user of the PCT system among BRICS countries, followed by the Russian Federation (890), Brazil (581) and South Africa (297). However, their growth rates differ with Brazil (-11.6%), the Russian Federations (-25.3%) and South Africa (-15.4%) showing declines, while filings originating from India increased by 5.6%. In 2014, organic fine chemistry accounted for 21.4% of all Indian PCT filings, followed closely by pharmaceuticals, which had a share of 20.2%, with the share of both steadily rising over the years. In 2014, CSIR had the largest number of filings in organic chemistry (30%), with pharmaceutical filings by the organization cornering a 13% share. "With an increase in IP awareness amongst the Indian companies (which may increase with campaigns like 'Make in India'), they seem to be taking IP protection more seriously on a global level, and this reflects in the increased filings. Further, a PCT filing gives them

more time to decide on the jurisdictions they may be interested in. It remains to be seen as to how many of such PCT applications eventually materialize into national phase applications in various jurisdictions," says Adheesh Nargolkar, partner, Khaitan & Co. While over 52% of all PCT applications (based on published data) filed by Ranbaxy Laboratories was in the field of organic fine chemistry, pharmaceuticals accounted for 40.5%. Reliance Industries, Wockhardt and Hetero Research Foundation follow with 34, 31 and 27 filings respectively, while Lupin, Piramal Enterprises, Cadila and Glenmark are other pharma companies in the top 10 list. Interestingly, among the sectors macromolecular chemistry, polymers showed huge growth (90%), but in terms of absolute numbers, the filings increased from 21 in 2013 to 40 in 2014. The other sectors which showed decent growth include medical technology and chemical engineering. Globally, however, the share of pharmaceutical patenting through PCT has continuously declined since 2007. Pharmaceutical patents represent the seventh largest field, with Merck Sharp & Dohme being the largest filer with 171 applications, followed by Novartis (141), F Hoffmann-La Roche (135) and University of California (111). Universities and public research organizations show a strong presence in this field, accounting for 26% of all pharmaceutical PCT filings. This is in contrast to computer technology and digital communication where these entities accounted for 4.6% and 2.8%, respectively. **[Source: The Times of India, 04 April, 2015]**

Dr. Reddy's in a Legal Tangle over Patent

Sanofi Aventis has sued Dr. Reddy's Laboratories which wanted to make a generic version of their patented product Jevtana. The drug is used in patients of prostate cancer because of its antitumoral use. Jevtana is a cabazitaxel injection and is used in combination with other drug prednisone. Sanofi along with Dr.Reddy's has also sued three other global drug companies with similar intention of making copycat version of the drug. They include Accord Healthcare, Glenmark Generics and BPI Labs. The patent of the drug is '592. The French drug company Sanofi has filed the lawsuits at the District Court of New Jersey, early this April. It informed the court that it holds the NDA (New Drug Application) no. 201023 for cabazitaxel injection, 60 mg/ 1.5 ml (40 mg/ml). The US Food and Drug administration had approved the NDA in June 2010. "Jevtana is approved for use in combination with prednisone for the treatment of patients with hormone-refractory metastatic prostate cancer previously treated with a docetaxel containing treatment regimen," it said in the appeal. The 592 patent was issued by the USPTO in January 2015 to Sanofi Aventis. Generic companies consider such legal issues to be a part of their business, as they cannot manufacture many products if bound by patents. **[Source: Deccan Chronicle, 15 April, 2015]**

Tata Group to Double Patents to seek Differentiated Growth

The Tata group will double the number of its active patents to 4,000 in the next three years as chairman Cyrus Mistry eyes a market capitalization comparable with the 25 most valuable companies in the world. Tata group companies had a market capitalization of \$125 billion (Rs 8.02 lakh crore) on May 7, according to the group's website. US-based Verizon Communications is the 25th most-valued company in the world, with a market capitalization of \$202 billion. "Technology is going to be the key differentiator in our growth," said Gopichand Katragadda, group chief technology officer at Tata Sons, on the sidelines of the Tata group's innovation award, Tata Innovista. Katragadda is one of Mistry's key hires since taking over the reins of the group two years ago. "We will use these patents to enhance our products and services and not look at licensing them," Katragadda said. The group has identified areas such as energy security, for which work will be done on better use of coal by the group's power and steel plants. Work will also be undertaken in renewable energy and food security. The other areas are consumer electronics and digitization. The Tata group spent Rs 16,000 crore, 2.5 per cent of its Rs 6.2-lakh-crore revenue in 2013- 14, on R&D in more than 100 companies. In 2014-15, the group's top 60 innovations are expected to deliver a financial benefit of \$1.1 billion annually. Tata Innovista 2015 received 1,580 entries under the promising innovations' category, up from 101 in 2006. Winners of the award for the new products category include Jaguar Land Rover for the sport pedestrian airbag system and Metahelix Life Sciences for a hybrid rice seed. **[Source: Business Standard, 14 May, 2015]**

Ten-fold rise in Patent Applications, says Nasscom

Frontline IT companies have seen a 10-fold increase in the number of patent applications made over the last five years, an indication of the growing push towards automation and higher margin offerings. Data from industry body

Nasscom show that Tata Consultancy Services, Infosys, Wipro and others have filed for about 1,500 patents in fiscal 2014 against 150 in 2009. Such a move is an important part of their non-linear growth strategy, where the companies are trying to de-link their revenue growth from the number of people added. This is expected to improve their profitability in a changing business environment. R Chandrashekhar, President of Nasscom, believes that the growing number of technology start-ups, especially those that are focused on technology products, have contributed to this trend. "Higher number of patents increases the value proposition of this industry as this brings global service delivery capabilities, combined with innovation of the highest order. The industry would not have been able to maintain its position globally if not for these developments," said Chandrashekhar. TCS, for instance, had filed for 443 patents last year, of which 33 were granted, the company's annual report. During the same period, Infosys applied for 79 unique patent applications in India and abroad. **[Source: The Hindu-Business Line, 10 Feb., 2015]**

Patent Office Rejects Novartis' Patent Claim on Diabetes Drug

The Patent Office (PO) in Delhi has rejected an application of Swiss pharma firm Novartis seeking patent for a modified release formulation of its diabetes drug, Vildagliptin, which it markets under the brand name of Galvus, according to a Business Standard report. Novartis has been engaged in litigation with some Indian companies on a patent for Vildagliptin in this country. In his order, Rajesh Dixit, assistant controller of patents and designs, Delhi, has said that the claims failed to meet the requirements under Section 2(1)(j) of the patent law, which says an invention means a new product or process involving an inventive step and capable of industrial application. The company also failed to meet the requirements of Section 3(d) and 3(e) of the Act, he said. So, a grant of patent was refused.

[Source: The Financial Express, 16 May, 2015]

Extension of Waiver of IP Rights on Pharmaceutical Products requested by Least Developed Countries

In a recent meeting of the WTO Intellectual Property Committee, the Least Developed Countries (LDCs) sought an extension of waiver of IP rights on pharmaceutical products indefinitely i.e. till the time they are no longer considered as LDCs. The previous deadline for the waiver was 2016 but citing poverty, potential health risks and higher costs of patented drugs, a request for extension was made at this meeting. This request was made pertaining to Articles 66.1, 70.8 and 70.9 of the TRIPS Agreement and the waiver was requested for till the status of the country as an LDC was uplifted. India, China, Nepal, Brazil were supportive of this request.

[Source: MIPR, Vol1, part 3, 2015]

Introduction of Colour Marks and Sound Marks in Japan

The proposed amendment of 2014 of the Trade Marks Law in Japan shall come into effect on the 1st April 2015. The proposed amendment mainly introduces colour marks, sound marks, moving marks, hologram marks etc. in the existing trade mark system. However, olfactory marks, touch marks and taste marks will still remain unregistrable. Emphasis is also given to defining the scope of the trade marks in the trade mark application so that any party may be able to recognize the contents of the trade marks.

[Source: MIPR, Vol1, part 3, 2015]

United States and Japan Accede to Hague Agreement

USA and Japan on 13th February 2015 became members to the Geneva Act of the WIPO's Hague Agreement relating to the International Registration of Industrial Designs (the Hague Agreement). According to the Geneva Act, USA and Japan will be bound by the said Act three months after the date of deposit of their instrument of accession or any later date indicated therein. The Hague Agreement has 62 contracting states as of today. The Hague Agreement allows applicants who are nationals or domiciled or having habitual residence or establishment within any contracting party to file a single international application for design at the International Bureau of World Intellectual Property Organization against a single set of fees. Under the Hague system, priority can be claimed for one or earlier applications filed in or for any country party to the Paris Convention for the Protection of Industrial Property or any member of the World Trade Organization. These international design applications may also serve as a basis for claiming priority.

[Source: MIPR, Vol1, part 3, 2015]

Dr. Mangala Rai
Patron-Vice Chancellor

Dr. H.S. Chawla
CEO-IPMC

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