

IPR Newsletter

A Bi-monthly Newsletter of
The Centre of Excellence in Intellectual Property Rights

Centre Coordinator's Message

Season's Greetings!

The ICFAI Law School, Hyderabad under the expert guidance of Dr. A V Narsimha Rao, Director has constituted The Centre of Excellence in Intellectual Property Rights for the dissemination of knowledge in the area of Intellectual Property Rights, to assist the development of Intellectual Property Rights and their protection in the IFHE, Hyderabad. A Bi-monthly Newsletter is released to this effect. This Newsletter brings coverage on the various events viz. Faculty Development Programs, Forest Officers Training Program, Workshop, International Webinars, Guest Lectures, Faculty achievements, Books and judgments on Intellectual Property Rights.

--Dr. S V Damodar Reddy

EDITORIAL BOARD

Dr. S V Damodar Reddy

Mr. Dilip Sharma

Ms. Richa Jain

Students

Events Organized

FACULTY DEVELOPMENT PROGRAMS

1. Faculty Development Program on "**Intellectual Property as Game Changer & Copyrights**" Organized by ICFAI Staff College, IFHE, Hyderabad on October 17, 2020.
Speaker: Prof. Dr. A V Narsimha Rao
2. Faculty Development Program on "**Prevention of Plagiarism for Success in Publications**" Organized by ICFAI Staff College, IFHE, Hyderabad. November 12, 2020.
Speaker: Prof. Dr. A V Narsimha Rao
3. Faculty Development Program on "**Intellectual Property as Game Changer: Patents**" Organized by ICFAI Staff College, IFHE, Hyderabad on November 21, 2020.
Speaker: Dr. S V Damodar Reddy

FOREST OFFICERS TRAINING PROGRAM

Organized One-week refresher training program for the Senior Forest Officers on '**Intellectual Property Rights: Forest and Trade**' during 2nd to 6th November, 2020.

Guest of Honour:

Dr Irene Calboli, University of Texas, USA.

About the Event: In this training program inputs on the interface between the Intellectual Property Rights with the forest produce and trade were given. The training includes discussion on various forms of the Intellectual Property such as Patents, Trademarks, New Plant Varieties, Geographical Indications Laws and Biodiversity Laws.

WORKSHOP

1. Organized workshop on “Identifying Intellectual Propriety Component at Early-Stage of Innovation”

Speakers

- **Dr. Niharika Sahoo Bhattacharya**, Rajiv Gandhi School of Intellectual Property, IIT Kharagpur.
Topic: Identification and Protection of Early-Stage Technologies (11th December 2020)
Topic: Issues and Challenges in protection of Early-Stage Technologies and the road ahead (18th December 2020)
- **Mr. Dilip Sharma**, Assistant Professor, ICFAI Law School, Hyderabad.
Topic: Valuation of Early-Stage Technology (24th December 2020)

WEBINARS

International Webinars

1. Organized International webinar on “*Intellectual property prosecution, filing and enforcement during COVID-19 Pandemic*” in collaboration with Wordict-IP and Innovpath on 10th July 2020.

Speakers of the Webinar:

Mr. Ramakrishna Damodharan, Managing Director, Adipven, Malaysia

Mr. Ashok Ram Kumar, Founder, Wordict-IP, Hyderabad, India.

About the event: In this webinar the speakers highlighted on the various procedures and practices adopted in prosecuting, filing and enforcement of Intellectual Property Rights during the COVID-19 Pandemic period in Malaysia and in India along with the Court decisions.

2. Organized International webinars on “*Intellectual Property Prosecution, Filing and Enforcement during COVID-19 Pandemic*” in collaboration with Wordict-IP and Innovpath on 20th July 2020.

Speaker of the Webinar:

Mr. Nevin Jacob Koshy, Partner, United Trademark and Patent Services, Dubai on the current situation of Intellectual Property Rights filing and protection during COVID-19.

About the event: The speaker spoke on the protection of Intellectual Property Rights in the UAE Countries in general and Dubai in particular. The presentation includes on the methods and practices which are adopted in the filing, enforcement and prosecution of the issues of Intellectual Property Rights during COVID-19 Pandemic in Dubai.

3. Organized Webinar on “*Changing Dynamics of Technology Transfer in IP - Pre and Post Pandemic Scenario*” on 20th June 2020.

Speaker of the Webinar

Prof. (Dr.) Gargi Chakrabarti, Research Fellow, Max Planck Institute of Innovation and Competition, Munich, Germany & Associate Professor, NLU Jodhpur, India.

Adv. Ayush Sharma, Advocate-on-Record, Supreme Court of India, New Delhi, India.

Adv. Abhishek Malhotra Managing Partner, TMT Law Practices, New Delhi, India.

About the Event: The speakers in their presentations spoke on the laws, procedures and practices in the technology transfer of Intellectual Property Rights. More particularly webinar was on the type of agreements, contracts, clauses that to be adopted and included in the technology transfer and on the changes, which are witnessed during and post COVID-19 pandemic.

Guest Lectures

1. Organized Guest Lecture on '**Intellectual Property Rights and Intellectual Property Management for Innovation and Start-up**' on 28th February 2020.

Speaker

Mr. Yogesh Pai, Assistant Professor, National Law University, Delhi, India.

About the event: The focus of the lecture was on the protection of Intellectual Property Rights by the Start-up's. How Start-up's have to develop their innovations and protect their innovations under various Intellectual Property Rights. Inputs were also given how to manage Intellectual Property Rights in their organizations.

IPR Policy

The Centre for Excellence in Intellectual Property Rights under the Chairmanship of Dr. A V Narsimha Rao, drafted the Intellectual Property Rights Policy for the IFHE, Hyderabad to regulate the Innovation, creation and protection of Intellectual Property assets created by the faculty, research scholars and students of IFHE Hyderabad.

IPR Cell

The ICFAI Law School, Hyderabad constituted the IPR Cell to support and cater the research and development at the IFHE by the creation new IP assets, documentation & protection. The IPR Cell also provides consultancy services and coordinates with the external users and permits them to use the IP of the IFHE either on payment or freely on case-to- case basis and maintains the registers of granting licenses. The IPR Cell with the coordination of the IPR committees of the constituent units of the IFHE shall apply for the registration of the trademarks, patents, designs and the circuit lay out designs with appropriate Registrars of the IPR. It also coordinates with the Legal Department of the University in filing of the cases against the infringers and unauthorized users of the IP to protect the interests of the IFHE and individual staff who created the new intellectual property.

In addition to the maintenance of registers and records, the IPR Cell organize continuous programs to bring awareness, protection and licensing of IP assets to the faculty, students and other related personnel on regular intervals and disseminate information to all the stake holders on the applicable laws, rules and process of IP.

IP Register

The IPR Cell created a separate IP register for the Patents, Copyrights & Trademarks generated by the faculty, research scholars and students of the IFHE, Hyderabad. The IP Register shall be maintained and updated on a regular basis for the management and commercialization of the Intellectual Property Assets.

Institution's Innovation Council (IIC)

The Institution Innovation Council with the support of the Centre for the Excellence in Intellectual Property Rights started the incubation workshop for student entrepreneurs to promote the ideation, innovation and creativity among the students of the IFHE and to initiate the startups as part of its academic research and national policy of innovations

The Centre for Excellence in Intellectual Property Rights under the Chairmanship of Dr. A V Narsimha Rao, drafted various documents such as Non -Disclosure Agreements (NDA), MOUs signed between the Students Startups, expert mentors and IIC for the Incubation Phase.

Faculty Achievements

Certificate Courses

Mr. Dilip Sharma had successfully completed the following courses.

1. AICTE certificate course on Biotechnology and Intellectual Property Rights (IIT KGP)
2. Gujarat Government Ihub Certificate Course on "**Comprehensive Online Intellectual Property Rights (IPR)**".

Guest Lectures

Guest Lectures given for **‘One Day Training Program On Intellectual Property Rights and Forest Laws’ in November 2019.**

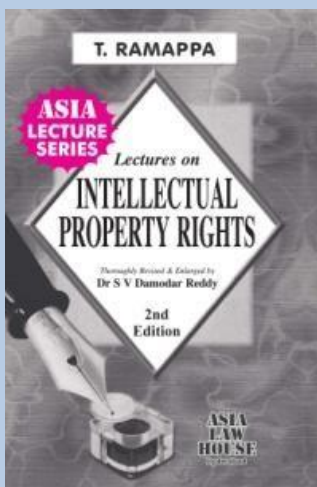
Speakers

1. Dr. Veena, Associate Professor, ICFAI Law School, Hyderabad, Telangana, India.
2. Mr. Dilip Sharma, Assistant Professor, ICFAI Law School, Hyderabad, Telangana, India.
3. Mr. DVN Murthy, Assistant Professor, ICFAI Law School, Hyderabad, Telangana, India.
4. Mr. Neelesh Shukla, Assistant Professor, ICFAI Law School, Hyderabad, Telangana, India.

Awards and Recognition

1. **Mr. Dilip Sharma** presented a paper titled - *Artificial Intelligence and Intellectual Property Rights: Issues and Road Ahead* at 5th Asian IP Works-in-Progress Conference, City University of Hong Kong (9-10 January, 2020) and was honored with the prestigious 'Young Asian IP Scholar Award, 2020' and was granted a scholarship.
2. **Mr. Dilip Sharma** presented a paper titled "*Revisiting Intellectual Property Paradigm in the Era of Artificial Intelligence*" at the Second IP & Innovation Researchers of Asia (IPIRA) Conference held at Faculty of Law, University of Indonesia on 27 - 29 Feb, 2020 and was granted a Scholarship by the World Intellectual Property Organization (WIPO).

New Books



Lectures on Intellectual Property Rights

Author: Dr. S V Damodar Reddy: Revised and Enlarged 2nd Edition 2020, Published by Asia Law House, Hyderabad, India.

About the Book: The book "*Lectures on Intellectual Property Rights*" is revised and enlarged taking into consideration of the reader's mind. The book is made more reader friendly so that the subject can be understood very easily and in organized form. The book comprises of various lectures with elaborate explanation and information on the various forms of Intellectual Property Rights viz. Copyright, Trademarks, Patents, Designs, Geographical Indications, Layout Designs of Semiconductor Integrated Circuits, New Plant Varieties and Farmers Rights. Book very is useful for Law, Management, Science & Technology, Arts, Professionals and for the Competitive examinations.

Case Law

GUJARAT COOPERATIVE MILK MARKETING FEDERATION LTD. & ANR VS. AMUL FRANCHISE IN & ORS.

Judgment Date: 28 Aug 2020

The plaintiffs claimed that they had only one authorized and recognized website i.e., www.amul.com and has no other authorized website or online portal or the domain name. This suit was filed by the plaintiffs on the ground that they were aggrieved by the use of the fraudulent websites on the use of prefix or suffix domain name of AMUL in various parts of the country by defendants. It was alleged that such fraudulent usage of the domain name of AMUL caused the Amul Franchise a great loss as it resulted in the deceiving the public at large as it created an impression in the minds of the people that the services are rendered by the plaintiff or their authorized representatives.

The court restrained the defendants from further sale of domain names and also directed to suspend the websites from this order. Also, the Plaintiffs were granted leave to seek necessary relief if they discover any other website infringing the plaintiff's trademark AMUL and carrying such similar fraudulent activities.

DISNEY ENTERPRISES, INC. & ORS. VS. KIMCARTOON. TO & ORS. DELHI HIGH COUTR, CS(COMM) 275/2020

Judgment Date: 27 July 2020

As per the facts of the case, the plaintiff in this issue establishes organizations, which are consolidated in different conditions of the United States of America, and are associated with the matter of creation, production and dissemination of movies and cinematograph films. The defendants in this claim incorporate a few rebel sites that have given clients free admittance to pilfered content.

The plaintiff accused the defendant of streaming unique and copyrighted substance without obtaining any earlier approval. The court held that the defendants were indeed disregarding the plaintiff's copyright, by encroaching upon their substance and ordered them to cease and desist from that action. Further, the court granted the interim injunction as requested by the plaintiff.

ALLANIFERID V. ASSISTANT CONTROLLER OF PATENTS AND DESIGNS INTELLECTUAL PROPERTY APPELLATE BOARD OA/17/2020/PT/DEL

Judgment Date: 20 July 2020

The appellant filed a patent application titled "Method and Device for Accessing Information Sources and Services of the Web". However, this application was rejected on the grounds that according to section 3(k) of the Indian Patents Act, 1970 this invention was not a mathematical or computer program per se. Appeal was filed to obtain the patent certificate and the Patent Officer ejected the application. Later, the appellant filed a Writ Petition at the Delhi High Court. The Court opined that an invention cannot be dismissed simply basing on the fact that it does have an algorithm or computer program backing it up. The Patent Office was directed to review the application. However, the application was dismissed at the Office.

The decision of the Patent Office was challenged at the Intellectual Property Appellate Board. The bench overturned the order of the Patent Office and granted the patent. It was observed that the invention, though does not fulfill the requisites of section 3(k), is a significant technical contribution and possesses technical aspects. The IPAB also held that the mere fact that a computer program or algorithm is used for carrying out a part of the invention does not bar its patentability and that an invention must be examined based upon its technical effect and technical contribution.