



NEWSLETTER

ITAG BUSINESS SOLUTIONS LTD.

(A subsidiary of TCI Finance Ltd.)

AN ISO 9001:2000 & 27001:2005 ORGANISATION
www.itags.com

Director's Message



ITAG team joins the celebration of the 10th Anniversary of The World Intellectual Property Day on the ensuing 26th April, 2010 and the 44th Anniversary of establishment of WIPO, an intergovernmental organization setup in 1967.

The theme for this year's IP day

celebration is "innovation-linking the world". The present membership of WIPO is 184 comprising almost all the countries of the world. The major aims and objectives of celebrating this annual day is to create IP-awareness for protection of creativity and innovation in the field of music, art, entertainment and innovation or technology for various products and services.

ITAG has taken several initiatives to meet the above objectives by way of publication and circulation of its

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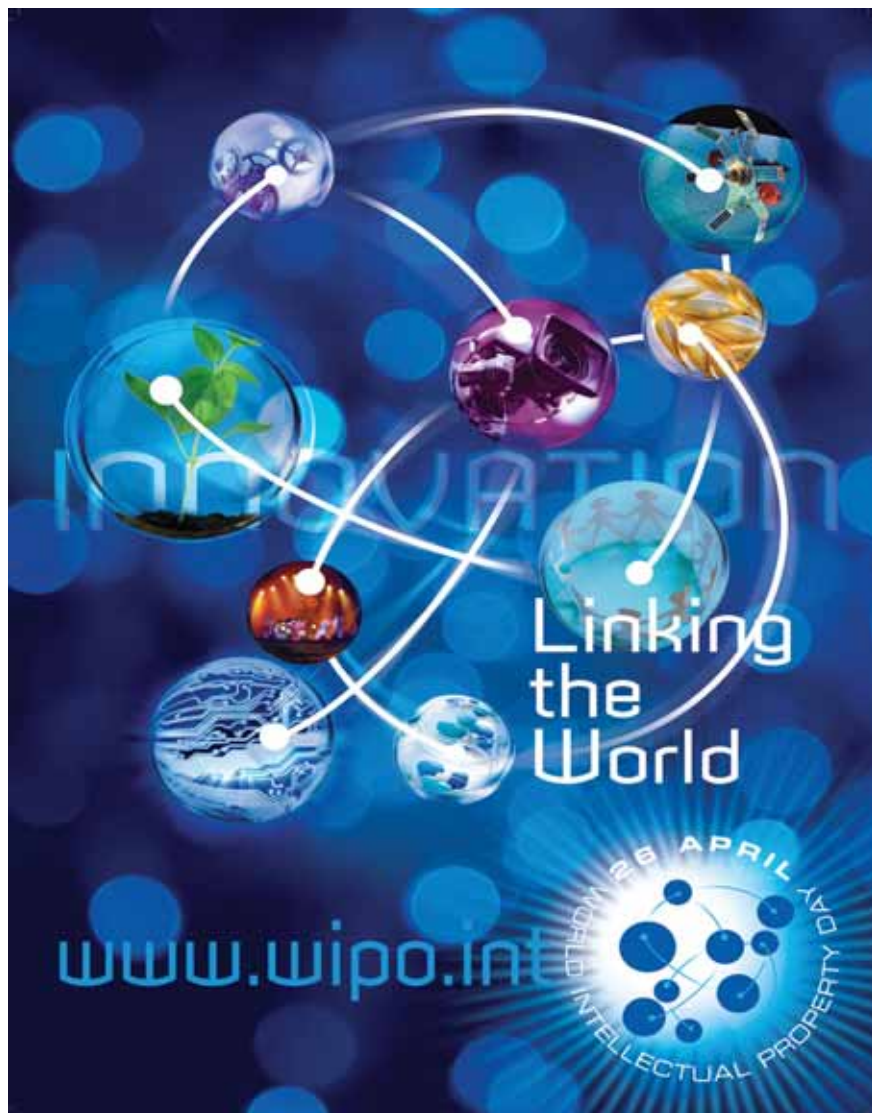
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weekly and monthly IP News bulletin and also by organizing several workshops, seminars including annual international IPR Conference at various parts of the country. ITAG's poster for IP-Day celebration has been published by WIPO for the second consecutive year and may be viewed at "<http://www.wipo.int/ip-outreach/en/ipday/posters.html>".

ITAG believes in providing quality service, research and training from the early stage of conceiving of an idea to the ultimate stage of innovation by commercializing and utilizing the idea to produce new products. We use different software and different quality database for IP-Management and conduct white-space analysis, FTO analysis, for sound and effective R&D system.

Our dedicated team has the expertise for valuation and commercialization of all types of intellectual properties and helps the inventors by placing their inventions on its website for commercialization (www.ipcommercialisation.com). We fervently appeal to all citizens around the world to pay their respects to those who are involved in the process of creating and innovation through the IP system.

- Dr. D. R. Agarwal



"World IP Day"- 26th April, 2010

IPR NEWS - INDIA

ANOTHER BIO-PIRACY ATTEMPT FOILED

India has successfully prevented an American firm's attempts to patent the well-known Indian medicinal plant ashwagandha (*Withania somnifera*). Ashwagandha, also known as the Indian ginseng or the winter cherry, is commonly used to treat depression, diabetes and insomnia, in Ayurveda, Siddha



and Unani forms of Indian medicine, with citations dating back to the 12th century.

Natreon Inc. had applied for a patent with the European Patent Office (EPO) in 2006. After documentation was received from the Traditional Knowledge Digital Library (TKDL), the EPO has decided to withdraw Natreon's application as ashwagandha was known since ages in different forms of Indian medicine.

The TKDL was a collaborative effort between the Council for Scientific and Industrial Research, the Ayush department of the health ministry and the ministry of science and technology. TKDL

would be beneficial in enlisting and protecting our traditional forms of medicine and our natural resources, and also promote their use in India and across the world. This would lead to India playing a major role in the world market of natural medicine

INDIAN FIRMS OUTSHINE US IN FDA DRUG FILINGS

Indian pharmaceutical majors are on the look out to grab the opportunity coming up in US, the world's largest drug market, as patents for a number of generally prescribed drugs are set to expire in the next few years. A considerable portion of filings to the US Food and Drug Administration (FDA) from India have been made since 2008, with Dr Reddy's Laboratories Ltd, Aurobindo Pharmaceuticals Ltd and Cipla Ltd, topping the list.

These drug makers have filed the maximum number of drug master files or DMFs, accounting for 29.25% of the total 7,183 such filings with the FDA as on September 2009, which is double the number of filings by local companies in the US.

The drug master file is the document filed by the drug makers to register active pharma ingredients (APIs) or bulk drugs in the US market. APIs are the raw materials used for making these formulations. One hundred thirty six Indian drug makers have filed DMFs with the USFDA for 450 drugs since 2008. The Indian Drug Manufacturers Association

(IDMA) and the Indian Pharmaceutical Alliance (IPA) approximate that patents for nearly \$60 billion of drugs are set to expire across the world in the next four years.

DELHI FIRM WINS TRADEMARK DISPUTE AGAINST TOYOTA

A Delhi-based automobile accessory supplier - Prius Auto Industries has won a lawsuit against Toyota, the world's leading Japanese car maker. The lawsuit was related to the use of "Prius" as a tradename.

The Delhi High Court has refused to give exclusive rights of the name 'Prius' to the Japanese company. Toyota manufactures its hybrid car with the name Prius, and Prius Auto Industries based in Delhi, uses the same name for chrome plated accessories for vehicles. Its customers include General Motors, Mahindra and Mahindra and Hyundai.

Prius Auto had registered the name 'Prius' under India's Trade Mark Act in 2002; the court accepted its contention on this basis. Toyota had claimed its right to use the name in India on the ground that 'Prius' was registered in more than 40 countries. Toyota had not objected to Prius Auto's Prius trademark for more than six years. This delay in objection over the trademark and no existing business of the carmaker in India with the name of Prius prompted the High Court's decision.

IPR NEWS-AROUND THE WORLD

EU COURT UPHOLDS GOOGLE TRADEMARK

Google, the world's largest search engine, has not violated the rights of Louis Vuitton, the luxury goods maker by allowing online advertisers to buy keywords similar to its trademarks, according to Europe's top court. Though Google does not specify the sales from its paid ads, it makes 97 percent of its annual revenue

of nearly \$24 billion from advertising as paid ads are the strength of the Internet business model.

Brand owners are worried that Google's Adwords service, where advertisers bid to use their companies' proprietary brand names as keywords would weaken their reputation. The Adwords service allows sponsored links to advertisers' websites to pop up beside a

user's keyword search results. They also fear that their competitors might buy a brand name as a keyword to redirect trade and traffic to themselves. Louis Vuitton had won a case against Ebay Inc, which was found guilty of misleading consumers by using misspelt versions of its brand as keywords to redirect users to Ebay website links.

Google mentions that valid

IPR NEWS-AROUND THE WORLD...(contd.)

complaints from brand owners would be taken care of and would prevent their rivals from using a trademarked keyword in their ad text. Brand owners have brought up five cases against advertisers at the European Court of Justice and Google faces eight cases in the United States over the sale of trademarked keywords.

ONLINE SHOE COMPANY RECEIVES UTILITY PATENT

An online shoe company www.podiwear.com has received a utility patent for an innovative concept of interchangeable footwear options.

PODI, the Greek word for foot, is an innovative shoe design for which the patent is sought; it allows the consumer to easily interchange covers or uppers on footwear, such as a shoe and allows a variety of looks, styles, materials and designs. PODI sells their original shoe Men's and Women's online only, giving the consumer many cover options to choose from and they can even design their own footwear.

GREEK WEBSITE CLOSED FOR MUSIC PIRACY

The BitTorrent index and tracker site, Gamato.info which was being used to aid large-scale copyright infringement of music, film, games and books, has been closed down by Police in Greece, followed by raids in Athens, Salonika, Larissa and Aridaia and the arrest of six persons associated with the administration of the site.

Gamato.info was the 13th most visited website in Greece before its closure with around 155,000 users visiting the site daily. This site was hosting links to more than 35,000 infringing music albums and collections, 13,000 movies, 6,500 games and 6,500 books.

LOUIS VUITTON AND HYUNDAI IN TRADEMARK DISPUTE

Louis Vuitton, the French handbag maker has filed a lawsuit against Hyundai, the Korean carmaker's over a Super Bowl commercial featuring a fancy basketball, alleging that it was decorated with a flashy

logo that was very similar to its own logo.

In the lawsuit filed in the Manhattan federal court, the handbag maker seeks unspecified damages for illegal use of its trademarked symbols, which Louis Vuitton alleges would ruin its value through unauthorized association with



products of inferior quality. Louis Vuitton has demanded all of Hyundai's profits from the 30-second commercial.

The 2011 Hyundai ad shows cops eating caviar and a basketball game played with a golden net and a brown leather ball featuring an imitation of the design used by Louis Vuitton on handbags, trunks, purses and other accessories.

GLIMPSES OF JUDGMENT ON IPR

EUROPEAN UNION COURT INVALIDATES PEPSI POG DESIGN REGISTRATION

Facts:

In 2003 a Spanish manufacturer named Grupo Promer Mon-Graphic (Promer) pitched its tazos to Frito Lay, a PepsiCo subsidiary Company. Tazos also known as rappers or pogs are small promotional toys included with food products aimed at children. The pitch was a confidential matter. On 4th February 2004, PepsiCo applied for the design registration for "promotional item[s]" for games. Subsequently, Promer applied for invalidity of the design arguing that PepsiCo's design lacks novelty and individual character according to Article 25(1)(b) of Community Design Law and

Regulation, as Promer had earlier filed for Registered Community Design (RCD) for "metal plate[s] for games" and that PepsiCo's design was in conflict with Promer's prior design (Article 25(1)(d)).

Later on the Invalidity Division invalidated PepsiCo's RCD on the basis of that it was "in conflict" with the prior design, but as Promer's RCD had not been published at the time of PepsiCo's RCD application, it could not be taken into account as a prior design for the purposes of Article 25(1)(b).

Issue:

Whether PepsiCo's RCD was in conflict with Promer's earlier

design and reversed the Invalidity Division on the facts?

Judgment:

The Board of Appeal envisaged that the design freedom of a designer of tazos is extremely limited and therefore the minor differences in PepsiCo's design were enough to create an overall different impression on the user. Promer had alleged that PepsiCo's application was made in bad faith - the Board had no hesitation in finding that bad faith is not a ground of invalidity. The General Court, in a closely argued decision, has affirmed the Board on several points, but overturned the overall finding in relation to invalidity.

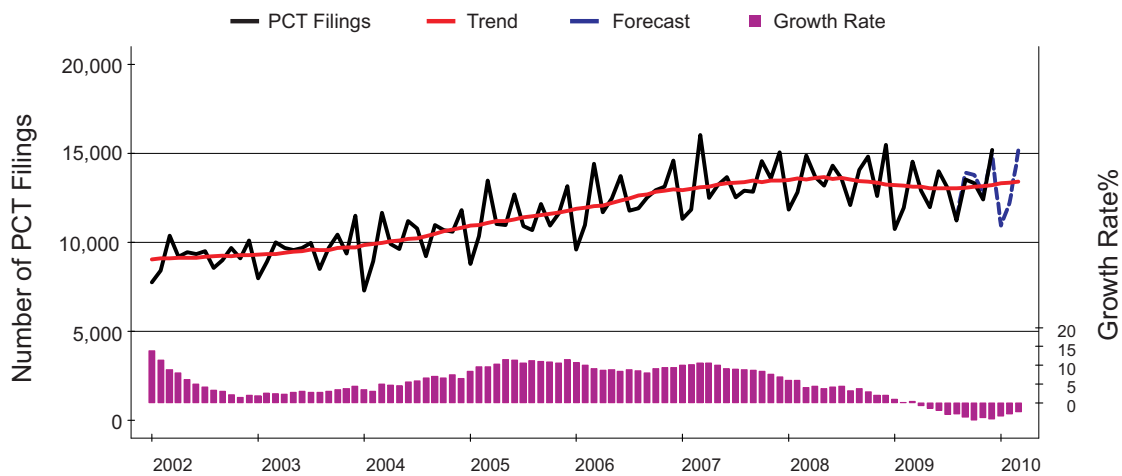
EVENT AT ITAG



Dr. D. R. Agarwal, Director of ITAG Business Solutions Ltd. presented a paper on "Patent Portfolio Strategy: Oil and Gas Industry Perspective" along with Mr. Mark Boland (Partner, Sughrue Mion PLLC, USA) at The International Symposium on Fuels and Lubricants (ISFL) at India Habitat Centre, New Delhi during March 9-12, 2010.

SNAPSHOT

Trends in PCT Filings



Source: WIPO Statistics Database

Note: 2009 data are provisional and incomplete. The growth rate is the annualized growth rate based on the trend line. Counts are based on the international filings date.



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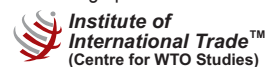
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