



# PIC Newsletter

Quarterly newsletter of Patent Information Centre-Kerala, KSCSTE

## India sees high patent growth: Report

India recorded the highest growth of 26 per cent in terms of published patents during 2013-15 in Asia, a report said.

Computing, pharmaceuticals, telecommunications, polymers and plastics were the top four sectors in which maximum numbers of patents were filed during the period, according to the report by Clarivate Analytics. "India has the highest growth of 26 per cent in terms of published patents" amongst the Asian countries, it said.

It added that while the number of patent publications in China, India, Indonesia and Malaysia has steadily increased, there has been a downward trend in patent publications in Japan and South Korea. It also said that the innovation scene in India is continuously evolving due to a number of initiatives taken by the government.

[www.economicstimes.com](http://www.economicstimes.com) April 19, 2017

## From Editor's Desk

*Realizing the significance of IPR, the Govt. of India released the National IPR Policy last year which lay the future roadmap for IPRs in India. The policy lays down seven objectives including IPR Awareness, Generation of IPRs, Legal and Legislative Framework, Administration and Management, Commercialization of IPRs, Enforcement and Adjudication and Human Capital Development. Patent Information Centre – Kerala (PIC-Kerala) has been contributing in achieving the objective of IPR Awareness through their massive awareness campaigns throughout the State. With pleasure, I am introducing the next quarterly issue of the newsletter published by PIC-Kerala. The recent developments in the area of IPR and landmark judgments in IP cases are covered. The IP awareness generation activities carried out by PIC-Kerala are also covered. Readers are requested to comment and suggest on how to further improve it to be more useful. Please post your comments to [patentcentre@gmail.com](mailto:patentcentre@gmail.com).*

**Chief Editor**

## Global Innovative Index: India moves up to 60<sup>th</sup> Rank

India continued to rise in the Global Innovation Index (GII) rankings for the second year in succession, after four consecutive years of decline. In this year's rankings released on Thursday in Geneva, India improved its position from 66 to 60. Last year, it had improved from 81 to 66.

Its improvement is part of a trend both in the middle-income countries and Asian countries, many of which have improved their innovation capacities in recent years.

The GI was first developed 10 years ago by the business school INSEAD in Paris as a way of benchmarking countries and their innovative capacities. It is now jointly developed and executed by Insead, Cornell University and the World Intellectual Property Organisation (WIPO). It includes 127 countries and the rankings are topped by developed countries. Switzerland is the most innovative country for the seventh year in succession.

Apart from India, China and Vietnam are the other major countries that are improving rapidly. The GI has been taken seriously by several governments around the world, including India, as a way of benchmarking national competitiveness. However, India has a large informal sector whose innovations go unrepresented in global rankings. "We are unable to capture data about grassroots innovation," says Francis Gurry.

[www.economicstimes.indiatimes.com](http://www.economicstimes.indiatimes.com), June 16, 2017

## Volvo successfully restrains the usage of the domain [www.volvo-bus.in](http://www.volvo-bus.in)

The well-known automobile company Volvo has successfully restrained an Indian entity from using the domain [www.volvo-bus.in](http://www.volvo-bus.in). In a domain name infringement action initiated under the INDRP Rules, the Arbitrator found that the registration and use of the domain [www.volvo-bus.in](http://www.volvo-bus.in) would create confusion among the public and ordered the transfer of the domain to the Volvo group.

[www.ipera.in](http://www.ipera.in) 24 April, 2017

## **Microsoft files patent for foldable smartphone**

A new patent filed by Microsoft hints at a device supported by flexible hinge that would transform a phone into a tablet. The flexible hinge will also let users set up the device in tent mode similar to Lenovo's Yoga tablet.

"There appears to be modes for two or three screens to extend flat out to make the device bigger and more of a tablet like Microsoft's original Courier concept," tech website The Verge reported on Tuesday.

Microsoft is also working on a new version of its Surface Pro tablet which is set to arrive in the first quarter of 2017. The new Surface Pro 5 2-in-1 will sport an ultra-HD display and magnetic charging stylus, with Pegatron Technology that will manufacture the device

[www.economictimes.com](http://www.economictimes.com) April 19, 2017

## **Amazon envisions giant drone towers to speed up delivery**

Amazon has some towering ideas for drone delivery.

The e-commerce giant filed a patent application for a "multi-level fulfilment center" that would allow drones to deliver packages in urban areas. Basically, it sounds like a giant robot-powered tower that would make it easy for drones to zip in and out as they deliver packages around a city.

There's a "growing need and desire to locate fulfilment centres within cities, such as in downtown districts and densely populated parts of the cities," Amazon says in the patent application, published Thursday by the US Patent and Trademark Office along with several other drone-related applications by the company.

The other patent applications, which were earlier spotted by The Mercury News, cover things like drone performance and noise control. Amazon didn't immediately respond to a request for comment.

Of course, patents are no guarantee this drone tower will become a reality, but Amazon's been pursuing drone deliveries in recent years. In March, the company's drone delivery arm, Amazon Prime Air, shipped its first package out in public in the US. Amazon, UPS, Google and others are also developing drone delivery tech in hopes of bringing shipments to customers more quickly and cheaply.

[www.cnet.com](http://www.cnet.com) June 22, 2017

## **Indian Patent Office rejects Google's invention of voice-to-text technology**

The Indian Patent Office has refused to grant a patent to Google for its invention of providing text messages using voice command. The internet giant offers voice-to-text message in Google Voice which can transcribe voicemail into text, among others.

The application was filed in 2006 by Motorola Mobility LLC, now changed to Google Technology Holdings LLC. The patent office describes the method particularly useful for providing text messages using voice inputs processed on a portable electronic device with limited memory and computational capacity.

According to one aspect of the invention, there is a method of providing a text message. This includes the steps of receiving voice at an input of an electronic device. Speech recognition is defined by matching the words uttered with one of the templates to create a matching template. A text message is then provided from the matching template.

The company responded to the objections in the first examination report. The patent office fixed up a hearing on June 8, 2017, to hear the company on its objections. This includes claims that the company do not have inventive hardware features and only have conventional hardware features where the invention lies only in the method.

Indian Patent Office observed that the invention is not patentable under the Section 2(1)(j) of The Patents Act, 1970, which states that an invention requires an inventive step and capable of industrial application, and Section 3(K), which states that a mathematical or business method or a computer programme or algorithms are not patentable.

[www.business-standard.com](http://www.business-standard.com) June 13, 2017

## **Saint Teresa's famous blue-rimmed white cotton sari trademarked**

The white, blue-rimmed cotton sari made famous by Saint Teresa of Kolkata has been trademarked in a case the nun's former lawyer has claimed as a first for a religious uniform anywhere in the world.

The design of the sari, which Teresa is said to have purchased from a Kolkata market the evening she was granted permission to start working in the city's slums, is now the exclusive intellectual property of the Missionaries of Charity, the order the nun founded nearly 70 years ago.

A lawyer for the order, Biswajit Sarkar, said he had applied for the trademark in 2013 to combat the "misuse" of the saint's reputation, often for commercial gain. The trademark was formally granted in early 2016 but only recently publicised.

[www.theguardian.com](http://www.theguardian.com) July 10, 2017

## ***Amazon Has Patented A Tool To Block The Kind Of Price Comparisons That Grew Its Empire***

Amazon has again caught the tech industry's eye with a new patent aimed to keep in-store shoppers from straying online.

The Washington Post reported yesterday that Amazon has recently been awarded a patent which could keep customers in its new retail locations from comparing online prices for products while there--something which, in the past several years, would traditionally be done on Amazon itself. Known as 'mobile window shopping,' the practice has allowed many consumers to get a real-life feel for products in retail locations before ordering them online for less, and has helped cause a "worrisome decline" for brick-and-mortar businesses, according to the Post.

Entitled "Physical Store Online Shopping Control" and granted on May 30, the patent outlines a system which can detect aspects of customers' internet activity when they log onto Amazon stores' WiFi networks. According to news outlets, the patented algorithm would register when customers are trying to access competitors' websites and interfere with such attempts to comparison shop via mobile

[www.forbes.com](http://www.forbes.com) Jun 18, 2017

## ***Apple: Qualcomm's Business Model Violates Patent Law***

Apple Inc. (AAPL) reportedly broadened its legal offensive against Qualcomm Inc. (QCOM), arguing in a court filing that some of the chip supplier's patents were invalid and that its business model violates patent law.

The filing, to a federal court in the Southern District of California, comes about five months after Apple's opening salvo against Qualcomm, claiming the chip company demanded unfair terms for the use of its technology.

Qualcomm has accused Apple of mischaracterizing its business and has sued four of Apple's contract manufacturers for withholding royalty payments on Qualcomm technology used in iPhones and iPads. In its response on Tuesday, Apple reportedly said that about a dozen Qualcomm patents were invalid because they conflict with already established patents, while others weren't essential for cellular communication.

[www.businessinsider.com](http://www.businessinsider.com) Jun. 20, 2017

## ***GI tag for Ratnagiri & Devgad alphonso to keep fakes at bay***

No longer will fruit vendors trick people into buying any mango by passing it off as Ratnagiri or Devgad alphonso.

The Registrar of Geographical Indications has agreed to grant GI for these special mangoes. GI tag is a government standardisation for products of a specific

geographical location. Usually these products are the region's claim to fame and hence are Ratnagiri and Devgad mangoes face a tough competition from two or three cheaper varieties. The GI tag will ensure that the popular name can be used only by the registered users.

"Farmers won't have to bear losses when cheaper varieties of mangoes are sold as Ratnagiri or Devgad alphonso. GI tagging will benefit consumers who can be assured of not being cheated," Ganesh Hingmire, who represents the Kelshi Parisar Amba Utpadak Sahakari Sangha, said.

GI tags will be provided to all the mangoes grown in Ratnagiri district and Devgad taluka, he added.

"After a verbal confirmation from the Registrar of Geographical Indications, the move will be advertised in Geographical Indications Journal published by the government. A certificate will be provided to Kelshi Parisar Amba Utpadak Sahakari Sangha and Devgad Taluka Amba Utpadak Sahakari Sanstha after four months," Hingmire added

[www.timesofindia.indiatimes.com](http://www.timesofindia.indiatimes.com) Apr 21, 2017

## ***Victoria Beckham Registers Daughter's Name As Trademark***

Singer-turned-designer Victoria Beckham has registered her five-year-old daughter Harper's name as a trademark.

According to intellectual property office records, Victoria has registered Harper's name to be used in a range of branded products, including perfume, lip gloss and even anti-wrinkle creams, as well as books, umbrellas, music, clothing and children's dolls.

In addition, the Harper Beckham trademark has also been registered for use in the entertainment industry. The wife of former football star David Beckham registered up the names of sons Brooklyn (18), Romeo (14) and Cruz (12) to Britain's Intellectual Property Office and the European Union-wide office in December last year.

The children are now officially a part of Brand Beckham, joining David who registered his name in 2000. Victoria followed in 2002.

[www.news18.com](http://www.news18.com) April 14, 2017

## ***NDTV sends notice to Discovery over trademark violation***

New Delhi Television, which operates news channels such as NDTV India and NDTV 24x7, has served a legal notice to factual entertainment major Discovery Networks International, accusing it of trademark violation.

NDTV has alleged that Discovery's lifestyle channel TLC has misappropriately used the title of food reality show Foodistan, which was aired on its lifestyle channel NDTV Good Times in January 2012, sources in NDTV told ET. They said TLC has used the Foodistan title for a cookery show, which is in disregard of trademark protocols.



In the notice, NDTV has asked TLC to cease and desist from using the name Foodistan to further its business. It has also asked TLC to remove all references to Foodistan from its channel and website. A Discovery Networks spokesperson confirmed the company has received the notice but did not elaborate further. NDTV Good Times and TLC are rivals in the genre of lifestyle programming.

[economictimes.indiatimes.com](http://economictimes.indiatimes.com) Apr 24, 2017

## **Disney files patents to bring humanoid robots to park**

The next time you're strolling through a Walt Disney theme park, your snugly hug or photo with your favorite character may be with a super realistic robot-- and not a person in a costume.

Disney Enterprises Inc. announced it has filed a U.S. patent for a 3D printed, interactive, soft robot. The application describes the new "soft body" robot to be built specifically for "physical interaction with humans." Disney has a dedicated robotics research department, which is currently developing several projects designed to create a "future in which robots interact with humans in complex, unpredictable environments."

If thoughts of a sci-fi world where sentient Disney characters take over the planet and wipe out humanity crossed your mind, fear not, the patent details the robots will actually be operated via a remote controlled device.

While the patent proposal doesn't define the purpose of the "cuddly" robots, it does suggest that they're intended for "interactive guidance or entertainment in stores and amusement parks," and indicates they will be interacting with children.

[www.foxnews.com](http://www.foxnews.com), April 13, 2017

## **Mumbai's Taj Mahal Palace hotel acquires image trademark**

The iconic Taj Mahal Palace hotel in the city has acquired an 'image trademark', making it the first building in the country to get intellectual property rights protection for its architectural design. It will ensure that commercial use of the image of its dome and grand exterior can be made only with the consent of Taj Hotels Palaces Resorts Safaris.

The dome of The Taj Mahal Palace, which stands on the waterfront in south Mumbai, has long been 'triangulation point' for the Indian Navy which guides its vessels to the harbour. The distinctive red-tiled Florentine Gothic dome, which crowns the elegant Indo-Saracenic arches and architraves of the hotel, sits 240 feet above the street level. The architects modeled it on the dome of the Victoria Terminus (now Chhatrapati Shivaji Terminus). The hotel opened on December 16, 1903.

"We felt strongly about protecting and bringing forth the distinctiveness of this most recognised building in India. It's an icon that stands as the indomitable spirit of not just Mumbai, but India," Taj Hotels Palaces Resorts Safaris senior vice president Rajendra Misra said.

[www.indianexpress.com](http://www.indianexpress.com) June 19, 2017

## **Samsung India's R&D unit tops chart of IT patent applicants**

Samsung R&D Institute India filed the maximum number of patent applications in the IT sector in 2015-16, followed by home-grown TCS and Wipro.

According to the annual report of Office of the Controller General of patents, designs, trademarks and geographical indications, the other top applicants include premier Indian Institute of Technologies (IITs) and HCL Technologies. In common parlance, this office is called Indian Patent Office, which comes under the Commerce and Industry Ministry.

Samsung R&D Institute India, TCS, Wipro, IITs and HCL have filed 229, 213, 149, 60 and 49 applications, respectively. In the scientific and research and development organisations category, Council of Scientific and Industrial Research (CSIR) has topped the chart. Further, among foreign applicants, US-based chip maker Qualcomm has filed the maximum number of 1,884 patent applications, followed by Koninklijke Philips (949), Samsung Electronics (905), Huawei Technologies (648) and General Electric Company (446).

As per the report, filing of patents, design and trademark applications recorded a double-digit growth in percentage terms in 2015-16. These figures reflect significance as IP protection encourages innovation, development of knowledge-based industries and creates favourable environment for technology transfer.

[www.thehindubusinessline.com](http://www.thehindubusinessline.com) April 9, 2017

## **Facebook files patent application for payment services via messages**

Online social networking giant Facebook Inc has filed a patent application with the Indian Patent Office for its invention on sending and receiving payments using a message system. The company has claimed that the invention relates to systems methods and devices that provide a transactional payment system, which allows users to send and receive electronic payments to and from other users of the messaging system.

A detailed description on the invention says that a messaging application on a client device can receive payment information input — such as amount and transaction method — from a sender for making a payment to a recipient.

The payment system could also facilitate payments in groups, here the amount to be received by the individual members could also provide status updates to the sender and the receiver, during the payment process through messages.

A majority of the Facebook traffic is through mobile devices. The move also comes at a time when the Government of India is giving a push to the cashless, digital transaction methods post demonetisation including the Unified Payments Interface (UPI) from National Payments Corporation of India (NPCI) and the resultant app, Bharat Interface for Money (BHIM)

[www.business-standard.com](http://www.business-standard.com) May 26, 2017

## ***Chennai office rejects Tencent's patent application for online ads***

Chinese technology major Tencent Technology (Shenzhen) Company Ltd, one of the world's largest internet companies has lost a patent approval for its online advertisement resources searching method and apparatus in India.

Tencent had filed the patent application with the Chennai Patent Office in 2009.

Tencent's invention provides a method and apparatus that increases the chances of finding an online advertisement resource, the company claimed in a patent filing. The Patent Office raised objections stating that the method is a mere software application and hence not patentable under Sections 3(k) and 3(m) of Patents Act.

While the company submitted its arguments against the objections, the Assistant Controller of Patents and Designs, Chennai, concluded that the alleged invention claims are non-patentable.

[www.business-standard.com](http://www.business-standard.com) June 28 2017

## ***Celebrating the International Yoga day, the Patent way***

Recognizing the importance of Yoga, on 11th December 2014, the United Nations proclaimed June 21st as International Day of Yoga. Today, it is practiced in various forms around the world.

A look at few patents describing the method of Yoga.

An invention as disclosed in US20070257432A1 titled "Yoga board game and methods of teaching yoga" describes board games and methods for teaching yoga, especially to children and pre-teens. Another invention as disclosed in CN104952295A states a method for teaching yoga to a plurality of students. This invention comprises of a video display which is connected to a video source. The yoga sequences which are stored on the video source are played on the video display. Simultaneously, an instructor will be demonstrating the poses and also assisting individual students while the video is playing, thereby providing instruction and alternate poses to the students depending upon their skill level.

Yet another invention as disclosed in US20070057460A1 relates to a method of playing a yoga game. The method includes the steps of obtaining a playing surface sized to receive a person.

For people who are stressed out, yoga offers the road to inner peace. On this special day, let us spread the spirit of Yoga for a better health and greater sense of happiness.

IP News Center (press release) 21 June 2017

## ***Cipla settles patent infringement case with Roche over cancer drug Tarceva***

Cipla on Thursday withdrawn from the ongoing patent dispute with Swiss pharmaceutical giant Roche related to anti-cancer medicine Elotinib Hydrochloride after it reached an out-of-court settlement acknowledging the later's validity of patent rights over the drug.

Cipla didn't disclose the details of the agreement. Typically, in-patent infringement settlement cases end up with the challenger getting a licence to launch authorised generic for a royalty payment to the innovator.

Roche has filed patent infringement case against Cipla after the Indian drug maker started selling its own version of Erlotinib Hydrochloride from late 2007 at third of innovator's brand price.

Roche sells the drug used in treatment of non-small cell lung cancer (NSCLC), pancreatic cancer and several other types of cancer under brand name Tarceva that cost around Rs 1.4 lakh at month's dosage.

"This settlement possibly marks the close of the first pharma patent case in India in the post TRIPS era, bringing a monumental chapter of India's patent law to an end," Maitreyee added.

[www.moneycontrol.com](http://www.moneycontrol.com), June 22 2017

## ***India could soon have an Intellectual Property Exchange akin to Hong Kong, UK***

India will soon have an Intellectual Property (IP) Exchange akin to that in Hong Kong and the United Kingdom. IP Exchange is where intellectual property rights of individuals and commercial units in India and foreign countries can be bought and sold across a variety of sectors.

The Ministry of Science and Technology will develop the IP Exchange via the National Research Development Corporation (NRDC). The idea came around two months ago and has already received an in-principle approval from the ministry.

"The process will take around 8-9 months for collecting data and setting up the exchange. We are already undertaking exercise of collecting necessary data and information on patents filed worldwide on multiple technologies, predominantly on agriculture and allied sectors," the NRDC chairman and managing director. In India, IP rights are given by Controller General of Patents, Designs and Trademarks (CGPDTM). In 2015-16, 3,41,086 applications were filed for IP rights as against 2,35,306 in 2011-12 indicating a 30 percent increase.

Every year around 2 lakh entities lose out on attaining the benefits of IPR. It will help to cut down bilateral and arbitrary negotiations between parties, bring transparency and simplify the buy/sell/license process. Tracking and verification of patents being bought, sold or licensed are some of the problems that can occur.

[www.moneycontrol.com](http://www.moneycontrol.com) Jul 03, 2017

## Ola Cabs booked by Bengaluru police for music copyright issue

Police in Bengaluru searched the offices of cab aggregator Ola and seized hard disks and other electronic devices over allegations that songs had been illegally downloaded and were being played in the company's taxis without the requisite permission. Police also conducted surprise checks on Ola cabs and seized some of them.

The music company, Lahari Recording had filed a police complaint against the online cab aggregator, Ola, accusing them of streaming pirated songs through its Ola Play Platform in Karnataka, Delhi, Kolkata and Tamil Nadu. Following the complaint, the Bangalore City Police raided Ola offices and seized equipment used for downloading and storing songs.

Luthra & Luthra, Ola's lawyers, said the company hadn't engaged in any wrong doing.

"It appears that the management of Ola has been dragged into this issue with a malafide intention," it said in a release. "We are confident that our client will stand vindicated of these allegations. Our client is sensitive to their rights as well as that of others. We have taken appropriate legal steps to protect our client's interests and the matter is now before the courts."

Lahari filed a complaint last month stating that the Ola Play feature launched by the company violated its copyrights.

[economictimes.indiatimes.com](http://economictimes.indiatimes.com) June 17, 2017

### Disclaimer:

The views expressed in the IPR News column of the newsletter are not necessarily those of the KSCSTE or its Institutions.

## Seminars/ Workshops/ Exhibitions/ Lectures/ Talks organized

| Title of the Programme   | In association with                                   | Date & Venue  | Resource Persons  |
|--|---|---|---|
| Two days Advanced Training Workshop on 'IPR for Engineers and Researchers' | CDAC, Trivandrum                                      | May 25 & 26, 2017<br>CDAC, Trivandrum                   | <ul style="list-style-type: none"> <li>• Shri. Naveen Suriya</li> <li>• Shri. Afsar.S</li> <li>• Dr. Bismi Gopalakrishnan</li> <li>• Shri. Safikh S</li> </ul>                                  |
| Two day Training Workshop on 'IP Management for a Healthy Startup'         | Indian Society for Training & Development, Trivandrum | May 26 & 27, 2017<br>Hotel Mourya Rajadhani, Trivandrum | <ul style="list-style-type: none"> <li>• Shri. Afsar.S</li> <li>• Shri. Naveen Suriya</li> <li>• Dr. Ajit Prabhu V</li> <li>• Dr. K.S.Chandrasekharan Nair</li> <li>• Shri. Safikh.S</li> </ul> |

## Advanced Training Workshop on 'IPR for Engineers and Researchers' at Trivandrum

PIC-Kerala in association with Centre for Development of Advanced Computing (CDAC), Trivandrum organised a two day Training Workshop on "IPR for Engineers and Researchers" at CDAC on 25th & 26th May, 2017. Dr. Z. V. Lakaparambil, Principal, Amal Jyothi College of Engineering, Kanjirapally, inaugurated the Workshop. There were eight technical sessions in the Workshop which was handled by reputed Patent Attorneys in the Country. Around 50 participants including Engineers, Scientists and Researchers participated in the Workshop.





Dr. Lakaprampil delivering his inaugural speech



Shri. Naveen Suriya, Patent Attorney & Partner, K&S Partners, Bangalore, delivering his lecture



Shri. Afsar.S, Patent Attorney & Head, Krishna and Saurastri Associates, Bangalore delivering his lecture



A view of participants

## ***Training Workshop on 'IP Management for a Healthy Startup' at Trivandrum***

PIC-Kerala in association with Indian Society for Training & Development (ISTD), Trivandrum Chapter organized a two day training Workshop on 'IP Management for a Healthy Startup' at Hotel Mourya Rajadhani, Trivandrum, on 26th and 27th May 2017. Dr. K.C. Chandrasekhran Nair, Former Chief Finance Officer, Technopark inaugurated the Workshop. The technical sessions were handled by reputed Patent Attorneys and other IPR Experts. Around 40 participants including budding entrepreneurs and students participated in the Workshop.



A view of the inaugural function



Shri. Afsar.S, Patent Attorney & Head, Krishna and Saurastri Associates, Bangalore delivering his lecture



Shri. Naveen Suriya, Patent Attorney & Partner, K&S Partners, Bangalore delivering his lecture



A view of participants

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