

Intellectual Property advocacy in the fields of:

- IP Infrastructure
- IP Policy
- Patent Law
- Copyright
- IP Valuation
- Technology Transfer
- Licensing
- Collaborations
- M & A
- Innovation Research
- Data Management
- Balance for Rights & Obligations

Private Circulation Only

INSIDE NEWS

- IPAB – New Chairman confirmed
- IPA-ACG Awards
- GAIL INDIA – IDEA project
- UK adopts DOE
- Dr. Tipnis Endowment Trust Memorial Lecture held
- SupplySide West in Las Vegas (USCS contact)
- CCI - Conference held.

Editorial.....

Indian IP ranking deserves better position. International Trade related IP policies have been manipulating India's IP ranking over the years. "Patents" is a key element in alleging India to be a low performer. In reality, however, India is a top performer in IP and more particularly, in Patents. We would rank Indian IP performance even above USA on various grounds. India's juridical practices and IP related judgements in patentability, IP enforcement and infringement suites have received International acclaim. Trademark registration has recently been transformed and also made transparent. Timelines and procedures have been streamlined exemplarily. Copyright registration have also become prompt and predictable. Design office in Kolkata has also been revamped to perform and respond better. The best performance in Indian IP field is in the field of Patents. India had already put in place the most balanced patent law in the world, post-TRIPS, through the various amendments.

The balance of 'Rights' and 'Obligations' are well-recognized in (Indian) Patents Act, 1970 as amended. The quality of granted patents in India is much above those in USA, substantially due to the patentability criteria in the Patents Act, 1970, and more significantly due to the quality of examination, FERs (First Examination Reports), Hearing procedures and the world class decisions and orders from Patent Controllers while granting or rejecting the Patent applications. The perceived weakness in IPAB stalemate, is also resolved recently by appointment of Justice Manmohan Singh as the Chairman.

The 2016 amendment of Patent Rules, has brought in vigour and vitality to the Patent Examination procedures, faster, globally record-breaking timelines and speedy grant with transparency. Consequent to the Government's (DIPP) acceptance of recommendations of the NITTO-DENKO Committee, "Expedited Examination" option had been introduced in the amendment of Patent Rules, Post May 2016, large number of Patent Examiners have been recruited, trained at Nagpur NIIPM (National Institute of Intellectual Property Management) and have started contributing to speedy release for early publications, timely examinations, effective communications and expedited grants/rejections. Early publication requests lead to publication of the patent application within one day to one month.

Recently it was reported in "Patent Pals" (in Facebook) that a Patent Application was published on the same day on request filed by Banana IP (BIP Counsels) for early publication. This record cannot be broken anywhere in the world. As per another report in Facebook, grant of a patent in record 100 days from the date of expedited examination request has been acclaimed. Indian Patent Application 20164104966 was filed by Optimus on 29.04.2016. Expedited examination request was filed on 21.03.2017. Hearing was conducted on 23rd June 2017 and Patent No.285091 was granted on 21.07.2017, just nearly 100 days after filing the request for examination. The Patent related to "A process for the preparation of Apixaban".

Clients of Gopakumar Nair Associates, a leading IP/Patent boutique law firm, who have filed 12 Expedited Examination requests, post May 2016, have been granted 3 patents in 6 months to one year from date of filing request for expedited examination. The process of expedited grant is progressing creditably in India, but substantially ignored by the "IP ranking jury" overseas.

Another area of excellence accomplished by Indian Patent Office is in the degree of transparency through Prosecution History or File Wrapper. While a few glitches and latches and short comings need to be rectified, by and large the transparency levels through online accessibility of information in India has become almost equivalent to USPTO or Espacenet.

Omar Khayyam had praised the proverbial wine in his lyrics, while an Indian poet expressly preferred the poor man's "chaay" (the Indian Masala tea). We feel that the Indian IP establishment and the Patent Office is growing in stature, regulatory credibility and performance to become Numero Uno (number one) in global rankings, whatever may be the political perception. Indian patent system is not only genuine inventor-friendly but also user and consumer friendly, with checks and balances and balance of rights and obligations in policy and practice.

Justice Manmohan Singh has been confirmed as the new Chairman of IPAB (Intellectual Property Appellate Board).

Technical Member (Patents) is also being appointed shortly.

CIPROM extends our congratulations to

Justice Manmohan Singh.

IPAB will be, hopefully, clearing backlogs of large number of pending Appeals, expeditiously.

"IPA ACG – SCITECH INNOVATION AWARDS"

for best innovations in Development of a

Solid Dosage Form Pharmaceutical Formulations.

Award carries a prize of Rs. 1,00,000/- and memento.

Criteria for Nomination available on www.ipapharma.org¹.

Last date for receiving applications is 30th September, 2017.

GAIL (INDIA) LIMITED GIVES WINGS TO YOUR ENTERPRISING IDEA!

GAIL Pankh, an initiative to identify, invest and nurture **start-ups** in GAIL core and non-core areas that can become successful ventures and contribute to the creation of a start-ups nation.

Closing of first round of proposals will be on August 16, 2017.

To know more about the eligibility and evaluation process, visit www.gailonline.com².

"DOCTRINE OF EQUIVALENTS" MIGRATES TO UK

UK Supreme Court, in Actavis UK Ltd vs. Eli Lilly, ([2017] UKSC 48), decided on 12th July 2017, by five member bench has confirmed infringement of Pemetrexed disodium (Alimta) of Eli Lilly (as claimed in Claim 1), by Actavis's Pemetrexed Components such as Pemetrexed dipotassium, both in combination with Vitamin B12 for treatment of cancer. This post- Brexit Supreme Court judgement of July, 2017 takes UK closer to USA in patent provisions and practices, since the concept of "Doctrine of Equivalents" has originated in USA. Details of the Judgement and analysis are available on request.

¹ <http://www.ipapharma.org/>

² http://www.gailonline.com/final_site/index.html

All students of Dr. H. P. TIPNIS
are invited to contribute to



Dr. H. P. Tipnis Endowment Trust



Snapshots from the first N. P. Tipnis Memorial Lecture. Dr. Navin Saxena, M.D Rusan Labs delivered the Memorial Lecture. Dr. Gopakumar G. Nair was the Chief Guest.

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**USCS (THE US COMMERCIAL SERVICE) IN INDIA IS ORGANIZING
AN INDIAN DELEGATION TO SUPPLYSIDE WEST – 2017
AT LAS VEGAS, BEING HELD ON SEPTEMBER 27- 28, 2017.**

Details of the show is available on <https://west.supplysideshow.com/en/home.html>

For benefits of joining the official delegation:

- Registration and hotel booking assistance
- Complimentary exhibition hall only pass (for Sep. 27-28, 2017), valued at \$159.
- A copy of U.S. export interest directory, containing a list of export ready U.S. exhibitors and suppliers looking to expand into international markets.
- Assistance in scheduling B2B meetings with targeted U.S. exhibitors (on prior request).
- Complimentary use of the international buyer's lounge/business centre with access to meeting space, refreshments, computer stations and Wi-Fi.
- Discounted registration fee for in-depth education sessions – pick 3 session package (from 16 workshops and 10 panel discussions) for only \$99 (valued at \$349).
- Visa Invitation letter from the trade show organizer upon confirming delegation registration.
- Complimentary invitation to the first time attendee reception (Tue., Sept 27, 2017, 5-7pm).
- On-site assistance by USCS staff.
- Assistance from the USCS in following up with U. S. companies.

If you are interested in joining the official delegation,
please send an email or fax to our delegation leader
Mr. Antappa Badigair – Commercial Advisor,
at : Antappa.Badigair@trade.gov/ +91 80 22276405 (fax)
for further details.

**Kindly note that delegation slots are limited and registrations are on a first
come first serve basis. Request you to please reserve your seat at the earliest.**

We look forward to your participation in SupplySide West 2017.

COMPETITION COMMISSION OF INDIA

Devender Kumar Sikri, Chairman Competition Commission of India will address IDMA (Indian Drugs Manufacturers Association) in an Interactive Session in the forenoon of 22nd Sept. 2017. Incidentally, the Competition Commission is completing 14 years of its formation and working. It is hoped that CCI will play a role to eradicate anti-competitive and anti-trust practices in IP related fields also. The role of the Federal Trade Commission in USA in curbing anti-trust and abuse of monopolistic practices is worth mentioning here.