

Intellectual Property advocacy in the fields of:

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

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OBITUARY IN SUCCESSION

India is truly going through a “Low Down” time, with immense and remorseful loss of truly “Swatch”, clean and upright leaders in close succession. Following the loss of Shri Atal Bihari Vajpayee, our ex-Prime Minister and “Bheesma Pitama” of India and the BJP, many a clean and upright acclaimed leaders of India have followed suit (literally, because most of them were Supreme Court lawyers of repute, such as, Smt. Sushma Swaraj and Shri. Arun Jaitley). Ex CM of Goa, Shri Manohar Parrikar and ex-Cabinet Minister, Shri Ananth Kumar joined the departed souls in recent times, adding to the successive losses to India’s Leadership.

Loss of Smt. Sushma Swaraj and Shri. Arun Jaitley, both in August, 2019 were the biggest blow to the Nation and the BJP leadership. Both Sushmaji and Jaitleyji had many facets in common. Both were eminent lawyers and Senior Counsel of Supreme Court of India. Both had similar interests and demeanour. Just like Late Shri Atal Bihari Vajpayee both, Sushmaji and Jaitleyji were soft-spoken, moderate, caring, humorous and popular, cutting across party-lines. Both possessed excellent oratory and communication skills. Both were born in 1952 and both departed for heavenly abode in August, 2019, prematurely around the age of 67. Both were ministers in the Vajpayee Government and became Cabinet Ministers in Modi Government receiving accolades and appreciation for their outstanding contributions. Both were members of the inner cabinet, five member cabinet committee. Eminence and popularity achieved by both of them were evident by the non-partisan line-up of mourners at their funeral proceedings. Unlike most politicians of our country, both volunteered to skip 2019 elections and stepped out of the helm of governance due to health reasons. Both suffered from diabetes and had undergone kidney transplant. We, the people of India, have become poorer and the Nation is at a loss by their untimely departure.

OBITUARY TO SMT. SUSHMA SWARAJ



Smt. Sushma Swaraj who served as external affairs Minister of India between 2014-2019, was the youngest cabinet minister of Indian state of Haryana at the age of 25. Sushmaji was an eminent lawyer and practised before the Supreme Court of India. Sushmaji was a diplomat par excellence whose timely interventions ensured help to Indians in need. One such case is of 39-year-old Alak Dhar whose body was returned to his family nine months and six days after he died, thanks Late Sushmaji. The nation will never forget her assurance during her term as external affairs Minister of India, “*Even if you are stuck on the Mars, Indian Embassy will help you.*” In the words of Bangladesh Prime Minister Sheikh Hasina “*In her death, we have lost a true friend*”. May her departed soul rest in peace.

OBITUARY TO SHRI ARUN JAITLEY



The Nation has lost a great Intellectual and multi-faceted Indian with high humanitarian quotient. CIPROM is all the more bereaved because Shri Jaitley was a distinguished legal luminary. The Tributes written by Justice Pratibha Singh (<https://www.livelaw.in/columns/arun-jaitley-a-true-karmayogia-tribute-by-justice-pratibha-singh-147460>) speaks for the legal fraternity and all of us. We had extensive briefing sessions on WTO/TRIPS at the negotiations times, around 1990-91, when Shri Jaitley was Minister of Commerce in the Vajpayee Government. Shri Jaitley was a patient listener, avid reader, cricket enthusiastic and leader, and above all a great humanist. India and all of us will miss him for all times. Truly, an irreplaceable loss. May his departed soul rest in peace.

OBITUARY TO PROF SHAMNAD BASHEER



CIPROM and the Intellectual Property community in India deeply condole the sad and untimely demise of Prof Shamnad Basheer, the brilliant legal scholar, founder of Spicyip as well as IDIA (Increasing Diversity by Increasing Access). IDIA, a trust which works to effectively to make legal education accessible for under privileged students was founded and managed by Late Prof Basheer. Prof Basheer strongly believed that diversity is a great contribution to innovation and he espoused this cause through IDIA. He was one of the most knowledgeable Intellectual Property Law Experts in India, who had a large fan following in India and overseas as well. He had intervened in the famous 'Gleevec case' in the Supreme Court of India. The Judgment on Gleevec Patent rejection had quoted extensively from Prof Basheer's observations and comments. Justice Aftab Alam, the Supreme Court Judge who delivered the Gleevec Judgment was one of the legal luminaries who wrote, condolence the demise of Prof Basheer.

Prof Basheer had been a good friend of mine since 2002, when we first met in Delhi. He had been in touch thereafter, more frequently after 2007. He had been in Mumbai on couple of speaking assignments on our invitation. While he has been referred to as a "Maverik IP Lawyer" by his friend in a recent obituary, Prof Basheer had been referring me as a "Maverik Patent Professional" in his Spicyip columns. We at CIPROM and all IP professional and legal community mourn his untimely demise. The void in legal scholarships that Prof Shamnad Basheer has left behind cannot be and will not be filled anytime sooner.

BOOST TO THE INDIAN ECONOMY - NEED OF THE HOUR

Nationally and internationally, there is a gloom in the economic environs. We need to sail through with caution and self-confidence to scale and overcome the ensuing challenges. The slow-down is more resulting from global and overseas parameters, but India is and cannot be expected to be insulated. Intensive innovation spirit, Start-up India, Digital India and other such initiatives can help India sail through these difficult times. India is today recognized globally as an emerging technology and joint venture partner and reliable location for technology and knowledge-based activities and industries. The recent announcement of joint venture between Reliance and Saudi Aramco in Jamnagar is a welcome breakthrough. The awards and accolades being bestowed on our Hon'ble PM Shri Narendra Modi and recent announcements of fiscal initiatives should help boost the economy, both directly and indirectly.

IP SNIPPETS

Indian Government aims to cut patent examination time to six months



**INTELLECTUAL
PROPERTY INDIA**
PATENTS | DESIGNS | TRADE MARKS
GEOGRAPHICAL INDICATIONS

In a move to improve the ecosystem for innovation in India, the Department for Promotion of Internal Industry and Trade (DPIIT) aims to reduce the time taken to examine patents to six months as part of its five year plan from 18 months currently.

<https://indianexpress.com/article/business/government-aims-to-cut-patent-examination-time-to-six-months-5846211/>

India Joins Three Key WIPO International Classification Treaties

India has joined three WIPO treaties designed to ease the search for trademarks and industrial designs, helping brand owners and designers in their efforts to obtain protection for their own work.

- India becomes the 34th member of the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks.
- India becomes the 88th member of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks.
- India becomes the 57th member of the Locarno Agreement Establishing an International Classification for Industrial Designs.

https://www.wipo.int/portal/en/news/2019/article_0021.html

Restrain From Using Trademark “Dish” Of Dish TV: Delhi Court To Prasar Bharati



The Delhi High Court restrained Prasar Bharati from using the trademark “Dish” of Dish TV for its Direct To Home (DTH) service

<https://www.ndtv.com/india-news/restrain-from-using-trademark-dish-of-dish-tv-delhi-high-court-to-prasar-bharati-2070677>

China’s Supreme Court clarifies conditions to bear joint liability in patent infringement cases

Sometimes, the patent owner or a person in privity may want to sue not only the company infringing on his patent right, but also the actual controlling person of the company, in order to stifle repeated infringement initiated by the same person and to get effective compensation from the infringers. So, it becomes critical in this case to bring the actual controlling person behind the scene into the suit

<https://www.lexology.com/library/detail.aspx?g=b6d71be2-cac9-4871-803b-ed7f28f9182c>

Japan’s IPHC Judgement on Unfair Completion Prevention Law

The Court held that Rights that could not be covered by trademark registrations could still be protected through the Unfair Completion Prevention Law, since Plaintiff’s indication of goods or business were deemed to be famous.

Source: Thanks to Shiga International Patent Office

**Dr. Gopakumar G. Nair - Guest Speaker at Dare to Dream, Pune
Zee Media's special initiative Business Growth Forums**



ZEE Business Dare to Dream Growth Matters forum is a platform to discuss the next level of growth for business. A select group of 30 business owners and thought leaders deliberated on the way forward - Growth Matters Forum – to network, mentor and grow enterprises.*

Source: <https://itelligencegroup.com/in-en/events/zee-business-dare-to-dream-growth-matters-pune/>

**Dr. Gopakumar G. Nair at the naming ceremony of Prof. R. T. Sane Industrial Research Laboratory,
Ramnarain Ruia Autonomous College, Mumbai**



6th IPA ACG - SciTech Innovation Awards

These awards recognize best innovations in Development of a Solid Dosage Formulations and Packaging of Pharmaceutical Products. The awards carries a prize of Rs.100,000/- and a memento. The criteria for nomination are available at homepage of our website www.ipapharma.org. The last date to receive nominations is **14th September 2019**.

For any additional information, you may please contact IPA Secretariat (Mr. Kishore Chavan) at 022 – 26671072 / 9892317748.