

Intellectual Property advocacy in the fields of:

- IP Infrastructure
 - IP Valuation
 - IP Policy
 - Technology Transfer
 - Patent Law
 - Licensing
 - Copyright
 - Collaborations
- FEB 2022**
- M & A
 - Innovation Research
 - Data Management
 - Balance for Rights & Obligations

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Editorial

Ignore “Innovation” at one’s own peril

During winter when one goes out the door and sits in sunlight for comfort, one must remember that sunlight doesn’t provide warmth for all times, even though the Vitamin D one may gain will stay with the person longer. Those who are having good times or great times now, must invest now, for a better future in the changing environment. In current times, compared to the nineteenth and twentieth century, “change” has caught up “speed” and one truly needs to remain alert and diligent and willing to put his last penny to “innovate” for future with changing technology and customer preferences and comforts.

Change in tune with time using Innovation route

It looks like, just yesterday, when there was a hue and cry by pharma-distribution and retail chain related associations, who declared all-India-bandh and hartal for all pharmacy shops against online sales of medicines. Opposition on multiple platforms were organised. Even government agencies and Health Ministries of State and Central government were persuaded to go slow on online pharmacies. All that is changing officially. Digital era is here. Not only digital sales and marketing of medicines, it is time pharmaceutical companies start looking at opening up digital platform for briefing medical and healthcare professional too.

Remember – Time, Tide and Technology waits for none

If I were to predict who will call the shots in the coming era or coming century, I would not say, the Government, the authorities, the Unions or Associations, I would say the Consumer. The Consumer will call the shots in the coming centuries. To meet and provide to please consumer expectations, satisfaction or even “consumer pleasure-surplus”, the healthcare providers will need to work overtime and “burn the midnight oil” by resorting to run the last mile on “innovation” based products, processes and services on a war footing. Innovative road-maps to establish an informal, ‘pharmaco-vigilance-based’ communication channel with consumer-patient community will be a win-win situation for both the pharmaceutical industry and their target communities, in India and globally.

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In the 2022 Budget, even the FM is on Digital ‘pull-push’

“Gatishakti” is not only for express ways or jobs and economy. The FM is foreseeing the needs of the consumer and pulling the “Digital era” closer or pushing us forward to the inevitable “Digital revolution”. Even those who had moved forward (digital currencies), ignoring the Government are being legitimised by the Government by multiple actions such as taxing the crypto deals and Government launch of block-chain based digital rupee, taxation of all existing and future virtual digital assets.

Healthcare must move forward on ‘Digital’ and ‘Innovation’ teamwork

Pharma industry must establish multiple innovation platforms, field-wise and establish partnerships within the healthcare industry and also with Academic institutions and public-funded research laboratories and inventors who have already woken-up to take note of the innovation challenge. One example is the Venture Center at NCL Innovation Park, Pune. Others are Somaiya Incubator (RIDDLE), Amity Innovation Incubator (Venture Nursery), SIIC (SRM Innovation, Incubation and Entrepreneurship Centre), Shri Mata Vaishno Devi University Technology Business Incubation Center Society (SMVDU TBIC), Indian Angel Network Incubator.*

*For more info: <https://www.indiascienceandtechnology.gov.in/listingpage/technology-incubators>

“Innovation Technology” “Knowledge-platform”

“Innovation Technology” “Knowledge-platform” are closely linked to IP (Intellectual Property). While ‘Innovation’ era will emerge, the IP framework will also need to keep-up pace with. The IP India (Office of the Intellectual Property) will also need to keep abreast of the needs and development. It is indeed unfortunate that in the last five years, most of the time, the Office of the Controller of Patents, Trademark, Designs has remained in the shadow of DPIIT, with no full-time Controller General of Patents, Designs & Trade Marks. Most time-lines in the IP offices are ‘ordinarily’ delayed including publication of applications, prosecution of patents and other IPs and declaration of grant of Patents. There is also need for further awareness creation among public. Many Inventor and Technology based Start-up, entrepreneurs, media and the public continue to confuse Copyrights with Patents, Designs

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with Patent and Trademarks with Patents. It is not rare to find public announcements such as “my granted provisional patent application...” or “my granted copyright patent”- which diminishes India’s reputation and standing in global scrutiny. We need to gear up in revamping our education system to incorporate “Innovation” “Intellectual Properties, practices and prosecution” and related topics in the curriculum from primary /secondary levels. The “IP confusion conundrum” needs to be resolved.

“Start-up” and “Unicorn” India

The “Start-up” and “Unicorn” India in era has born. It is growing up fast. The unemployed youth in India should be given free training in knowledge, technology, IT, IP and innovation in such a way that they shift from the “small kirana shop entrepreneur” mind-set to the emerging “innovation-based startup” format for self-employment and for participating in India’s progress to the digital and AI frontiers.

Multiples Alternate buys into BDR Pharma, invests Rs 750 cr

Renuka Ramnath-led private equity (PE) fund Multiples Alternate Asset Management will invest around ₹750 crore to take an about 10% stake in Mumbai-based generic drugs manufacturer BDR Pharmaceuticals, multiple people aware of the development said. BDR will be valued at around ₹7,500 crore following the fundraising, they said

Source: <https://economictimes.indiatimes.com/industry/healthcare/biotech/pharmaceuticals/multiples-alternate-buys-into-bdr-pharma-invests-rs-750-cr/articleshow/89084121.cms>

'Increasing examiners, reducing application process time can help grow patents granted in India'

Increasing the number of examiners and reducing the application process time are some of the steps that can help in growing the number of patents granted in India, according to the pre-Budget Economic Survey tabled on Monday. The Survey said that while India's low expenditure on research and development (R&D) activities is one of the key reasons for relatively low patents in India compared to other countries, procedural delays and complexity of the process are also among the factors responsible.

Source: <https://economictimes.indiatimes.com/news/economy/policy/increasing-examiners-reducing-application-process-time-can-help-grow-patents-granted-in-india/articleshow/89249204.cms>

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European Union: EPO Issues Guidance On Achieving Unitary Patent Status From Day 1 Of The UPC/UP System For European Patent Applications Coming Up To Grant

With the Unified Patent Court (UPC) and unitary patent (UP) system now likely to commence towards the second half of 2022, the European Patent Office (EPO) has issued transitional measures aimed at ensuring that patents coming to grant close to the start of the new system are able to get unitary protection (ie UP status) from "day 1", including via a delayed grant mechanism.

Source: <https://www.mondaq.com/uk/patent/1157036/epo-issues-guidance-on-achieving-unitary-patent-status-from-day-1-of-the-upcup-system-for-european-patent-applications-coming-up-to-grant>

S. 63 Of Copyright Act Is Cognizable Offence, Police Can Register FIR On Receipt Of Complaint: Karnataka High Court

The Karnataka High Court has held that Section 63 of the Copyright Act, which prescribes a punishment of minimum 6 months that may extend to 3 years imprisonment, is a cognizable offence and police can register an First Information Report, on receipt of a complaint.

Justice M Nagaprasanna said, "*Merely because a separate provision under Section 64 of the Act which depicts power of search and seizure by the Police is also found in the statute, it does not take away cognizability of the offence punishable under Section 63 of the Act.*"

Source: <https://www.livelaw.in/news-updates/karnataka-high-court-copyright-act-section-63-cognisable-offence-fir-190860>

Amazon-Future dispute: SC sets aside Delhi High Court orders CJI-led Bench asks HC to decide all issues on merit afresh

In a major relief to Future Group, the Supreme Court on Tuesday set aside three Delhi High Court orders, including the refusal to stay the final arbitral award which had restrained Future Retail Ltd from going ahead with its Rs 24,731-crore merger deal with Reliance Retail and ordered a fresh adjudication.

The top court remanded the pleas of Future Group companies relating to arbitral award on the merger deal with Reliance Retail back to the Delhi High Court for a fresh and speedy adjudication on merits uninfluenced by the observations made by it.

Source: <https://www.tribuneindia.com/news/business/amazon-future-dispute-sc-sets-aside-delhi-high-court-orders-366282>