

FICCI-IPO AWARENESS PROGRAM ON IP

HELD ON: 25TH AUGUST 2017

**ORGANIZED BY: AMITY INSTITUTE OF ADVANCED
LEGAL STUDIES, NOIDA**

REPORT FOR THE EVENT

INTRODUCTORY SESSION:

A. MR. DIPANKAR BARAKATI

Mr. Barakati is the Additional Director & Head IPR & FICCI CASCADE. He commenced the seminar with a welcome note to all the dignitaries present and briefed about the objective, which the program tends to achieve, which is:

“To create awareness amongst the youth on IPR.”

The key subject of discussion would be the Government’s first IPR Policy launched in the year 2016, which is the National IPR Policy.

Also, he emphasized on the active role of FICCI that is *“To create general awareness in IPR and develop a pool of IP Professionals across the nation.”*

B. MR. SUSANTA DAS

Mr. Das is the Assistant Controller of Patents and Designs. His introductory session focused on the issues relating to IP and the Make in India initiative, which could act as an innovating venture for the future, which was later, discussed in his detailed session.

C. Prof. (Dr.) TAHIR MAHMOOD

Dr. Mahmood is the Chairman of Amity Institute of Advanced Legal studies, Amity University, Noida. His special address started with a Welcome note to all present. He also talked about how Amity Institute of Advanced Legal studies were established and developed as a centre of academic excellence. He briefed about certain techniques of IP and its growing importance in the present world and enlightened the gathering with his thoughts on the subject.

“The first PhD degree was awarded to a student of Amity Institute of Advanced Legal Studies, in the field of IPR by Amity University, Noida.”

- Dr. Tahir Mahmood

D. DR. BALVINDER SHUKLA

Dr. Shukla is the Vice Chancellor of Amity University, Noida. She started with an inaugural address where in she related IP with something innovative and creative. She informed the audience that the Swachh Bharat team visited Amity University the other day and praised the cleanliness in the campus. She gave insight about countries, which have been for ages have creative ideas and traditional knowledge but are not aware of the IPR, to protect their innovations and creations. Companies which have registered the domain names but have no business deals, are only enjoying the brand name of a particular company just to get the domain name, misusing the established domain names. For example, Tata.com

She emphasized on the huge demand of IP Professionals in the coming years and how it is bound to grow in future and flourish in days to come. However, it is important create awareness amongst the people.

“This program is truly significant for the IP Professionals and students.”

“ 800+ Patents & 100+ Copyrights have been filed by the students of Amity University.”

She also talked about as to how an IP professional must be aware of all the fields related to IPR like Biotechnology, Media and Nanotechnology, challenges associated with them and how can one overcome them.

SESSION 1: UNDERSTANDING YOUR IP

**BY: DR. KSHITIJ KUMAR SINGH, PROFESSOR, AMITY
UNIVERSITY, NOIDA**

- **GENERAL CONCEPT**

Dr. Singh is an IP professor at Amity Institute of Advanced Legal Studies, Noida. He has also authored a book in the field of Biotechnology and IPR.

He started his session by defining what Intellectual Property actually means. He explained the various kinds of properties, which exist, and how IP is related to Creativity and Innovation and how can one protect it. IPR is the creation by the state according to the needs.

He focused on the need to protect IP in which he talked about as to giving statutory expression to the rights of the creator and to promote innovation and creativity. He lectured about the traditional and modern classification of IP.

Having described the meaning of Patents he also talked about the essentials of it. He discussed as to how Patent is more about functionality and what are the rights of the patent holder and the limitations of the same.

He gave various examples to substantiate his arguments. Like:

Real Flying Bike Invention – Fly through a bike which can used to go anywhere even in rainy conditions etc.

Further he discussed about Copyright by explaining the meaning of it, which includes an expression of an idea. Talked about the related rights (Economic and Moral) and Essentials of the Copyright. He lectured about the new trend of Digital Copyrights by giving an example of Database Management, which is a distinct form of expression. Also, briefed about Trademarks, Geographical Indications, Industrial Designs and Trade Secrets.

- **IP IDENTIFICATION**

He talked about how IP Identification is the first step towards Commercial Exploitation and it is the best means for IP Protection as well for which IP Awareness is of utmost importance. He aimed at the measure to identify IP which included Education related to IP, Introducing new staff and Relevant disclosures to the Enterprise. He also talked about the role of IP Audit and why is it important.

- **IP CREATION**

Dr. Singh explained the meaning of IP creation, which meant IP Filing and Registration of several IPRs. The elements, which constitute it, are:

Tapping Knowledge,

Tapping Resources,

Encourage Corporates to generate and utilize IPRs &

Introducing IPRs as a part of Academic Curriculum.

- **ECONOMIC SIGNIFICANCE OF IP**

This was the last but not the least subject of the first session in which Dr. Singh explained the economic significance of IP, which included a Strong IPR Protection for Developed as well as Developing Countries, Accumulating Indigenous Capital and Science and Technology infrastructure. He also stated that it is because of IPR a country has a strong economic growth. Discussed Make in India & Invent in India Initiative.

SESSION 2: PROTECTING IP RIGHTS
BY: MR. SUSANTA DAS, ASSISTANT CONTROLLER OF
PATENTS & DESIGNS

Mr. Das was the second speaker who enlightened the audience on the topic “How to protect your Intellectual Property.”

He initiated the discussion with an Innovation Cycle, which discussed how does an Innovation take place. The innovation cycle that he explained is as follows:

Ideas → Search → Research and Development → Innovation.

He further described the IPR Cycle, which is as follows:

Creation → Protection → Exploitation

He also briefed us about the various forms if IP. He gave several examples to make us understand how does the system of IP works. Like,

✚ Sheikh Jahangir had invented a Second Hand Scooter, which could be used as a Generator, Flour Mill and a Washing Machine. It was also displayed in the movie “3 Idiots.”

✚ No Nap: It is a safety device, which prevents sleeping at the time of driving. It was an invention of Mr. Vivek Bhatia from Indore who sells 5000 units in India per month and 3000 units per month in United States.

Also, discussed about the Patent requirements and how its can be used as a Business Tool. Inventions, which are patentable and not patentable, what is the Patentability Criteria. Who can file a patent and who is an Inventor.

Also, stated what all documents are required to file an application and which forms are needed to file for a Patent and the application fee for the same.

“Safety Pin was patented in the year 1848.”

- Mr. Susanta Das

SESSION 3: IP & BUSINESS EFFECTIVENESS

BY: MR. ASHOK SHUKLA

Mr. Shukla discussed about the value addition of Small Enterprises through Intellectual Property Rights. He also stated IPR through God's view:

“Lord says, humans are the only creations I have blessed with the power to think freely and create in the interest of the universe.”

He defined IPR as stipulated under Article 27 of Universal Declaration of Human Rights. Also, discussed the importance of Utility Models and how they should be recognized in India. Focused on the importance of IP Creation and the advantages associated with it. The IP Ecosystem for MSMEs and the importance of IP Valuation was also discussed.

SESSION 4: IP ECOSYSTEM IN INDIA: THE WAY FORWARD

**BY: MR. MANISH K. MISHRA, MANAGING ASSOCIATE,
INTLL ADVOCARE, IP CONSULTANTS & ATTORNEYS**

- **CHALLENGES IN IP**

Mr. Mishra talked about Counterfeiting and what are its adverse effects on the economy.

“India is amongst the top countries with the highest counterfeits due to which the country suffers a loss of INR 40,000 Crores.”

“Problem of Piracy is also on the rise due to which we lose \$2.7 billion annually.”

He also discussed about Parallel Imports how it is a matter of concern. Explained the concept of National and International Exhaustion.

CASE: SAMSUNG v. KAPIL WADHWA

SINGLE JUDGE: The Act of Importation without the consent of the required proprietor amounts to Infringement.

DIVISION BENCH: International Exhaustion, Parallel Import does not amount to Infringement.

Appeal is pending before the Supreme Court.

Explained Online and Offline Infringement.

- **FORMS OF IP PROTECTION**

He discussed about the civil and criminal remedies that are available in case of infringement of IP takes place. Explained the importance of Tribunals in the context of Registration process and Opposition. Described the role of Central Board of Excise and Customs in reference to IP. The Importance of The Commercial Courts Act, 2015 for the Intellectual Property matters.

- **ROLE OF IP FIRMS/LAWYERS**

Explained the role of Intellectual Property firms and lawyers and their contribution.

Some of the elements of it are as follows:

IP audit for IP awareness,

Market Survey,

Timely Reporting of conflicting markets,

Aggressive Enforcement (civil and criminal),

Timely Reporting and taking the tension of the clients

Knowledge about the law and latest developments.