

IP NEWS JULY 2014

1. Bombay HC dismisses challenge to Nexavar Compulsory License.

The Bombay high court on 15th july dismissed a challenge by Bayer AG against a decision to allow drug maker Natco Pharma Ltd to manufacture and sell a generic copy of a patent-protected cancer drug made by the German company. The court was hearing a plea filed by Bayer challenging a March 2013 order passed by the Intellectual Property Appellate Board (IPAB) permitting Hyderabad-based Natco Pharma to manufacture and sell a generic copy of the patented drug Nexavar

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2. Ericsson gets a patent breather

The Intellectual Property Appellate Board (IPAB) has given a breather to Swedish communications giant Ericsson asking the patent controller to decide on its application afresh. The telecom firm appealed against the controller's judgment rejecting a patent application claiming that its 'invention' lacked novelty.

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3. Bangalore scientists break bacteria's resistance to antibiotics.

The bacteria have today become so resistant to antibiotics that even increased dosage is having little effect. While the international research community has pondered over many options to overcome this, a team of Bangalore-based scientists has developed a novel way to attack these bacteria, which gives the organisms little chance of developing resistance.

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4. Merck seeks to settle patent row with Glenmark.

In the long-winding patent battle on a widely-prescribed diabetes drug, Januvia

(sitagliptin), multinational company Merck (MSD) has sought a settlement to end the dispute with generic company, Glenmark on the blockbuster drug. Last year, US-based Merck's subsidiary in India dragged Glenmark to court, seeking a stop on the sale of a more affordable version of its diabetes drug, Januvia, joining the list of MNCs engaged in turf wars with generic companies in the country.

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5. WIPO releases database for economics of IP.

WIPO recently released a very useful database of academic literature on the economics of IP. In their words, WIPO's Economics Literature Database provides an overview of key academic literature that has influenced thinking in the field of intellectual property (IP) economics. The Database is an ideal and convenient starting point for researchers, policy-makers, and anyone else interested in the economics of IP..

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6. Copyright Application to be now filed online

The Copyright Office has recently issued a notification (No. F. 27-25/2014-CO), stating that the online facility for filing of copyright applications has been launched from 17/2/2014.

According to the notification, dated 22/7/2014, the Copyright Counter would close from 1/8/2014 in an attempt to promote online filing of copyright applications.

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7. Restricting Substantial Alterations to Trademark Applications at Pre-Registration Stage is Valid- CGPDTM

On 8th June 2012, the Trademarks Registry had issued certain Office orders pertaining to Pre-Registration Amendment

of Trademark Application. The said order read, “No request for amendment shall be allowed which seeks substantial alteration in the registration of trademark”. This Order was challenged by the Intellectual Property Attorneys Association (IPAA). On 24th July this year, the Controller General of Patents, Designs and Trademarks (CGPDT) dismissed the application.

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8. Change To Korea’s Patent Law Helps International filers

An amendment to Korea’s Patent Act will make it easier for international companies to secure an earlier priority date and fix translation errors, with more changes on the way.

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9. Google, Dropbox and other top tech companies band together to fight patent trolls.

Google, Dropbox and a few other high-tech firms have come up with a new way to help defend themselves against patent trolls.

Patent trolls, or “non-practicing entities,” are companies that buy up old patents and try to monetize them by accusing others of infringement. They usually request a one-off licensing fee to end a lawsuit, something many companies reluctantly pay because it’s cheaper than defending the claim.

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10. Court ruling led to quick changes at patent office.

The U.S Supreme Court’s decision to toss out some software patents earlier this year led to a swift change of operations at the U.S. Patent and Trademark Office (PTO), the agency’s deputy director

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11. Intellectual Property in an Independent Scotland

The Scottish Government has published a white paper on independence which is intended to set out the case for independence, and explain what an independent Scotland would look like. The white paper contains only a few brief comments about intellectual property. For example, the white paper states that the Scottish Government will ensure “continuity of the legal framework for protecting intellectual property rights” and that “as an EU member state, Scotland will meet European regulations and directives on IP rights protection, as well as international patent and trademark protections.”

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12. Global Innovation Index 2014 released: A look at India’s performance

WIPO released the Global Innovation Index (GII) 2014. The GII is perhaps the most nuanced and holistic annual innovation index that currently exists. The GII 2014 covers 143 economies and uses 81 indicators across a variety of themes. It is co-published by WIPO, Cornell University and INSEAD. Interestingly, there is a whole chapter (Chapter 4 by Naushad Forbes) dedicated to India in the 2014 report. He notes that “such rapid growth, concentrated in private rather than public institutions and focused only in a few professional fields, has given rise to four crucial challenges: the need to (1) ensure quality; (2) build graduate education and research universities; (3) provide equity of access; and (4) build excellent liberal arts universities.”

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13. CGPDTM gives a public notice regarding deposition of biological material to an International Depository Authority under the Budapest Treaty.

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