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**NEWSLETTER JULY 2015** 

#### Inside this Issue

TVS Motors bagged a Patent for technology related to three wheeler engine	2
Samsung to open 38,000 Patents to smaller venture companies	2
WTO Director calls 2015 a 'Decisive' year, says WIPO GI Act a boost to WTO IP talks	3
Eureka Forbes denied patent for Aquasure after Hindustan Unilever's opposition	3
Nalli sarees issues cease and desist notice on Snapdeal	4
Cipla, BMS settles patent dispute	4
Bombay HC expands trademark licensee's right to sue for infringement	5
Date of receiving judgment copy matters more, says IPAB	5
India, US discuss intellectual property concerns	6
Air Vistara trademark row: HC rules city courts have no jurisdiction	6

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# 1. TVS Motor gets Patent for technology related to three wheeler engine

TVS MOTOR BAGS A
PATENT FOR THREE
WHEELER ENGINE

The patent office in India has decided to grant patent for automobile manufacturer TVS Motor for an engine for a three wheeler, with a cooling system for the rear mounted liquid cooled engine. An order issued by M Ajith, assistant controller of Patents and Designs, Chennai, states that the "application meets the objections raised" by the Patent Office and is found to be in order for grant of patent.

According to documents available with the patent authority, the application was for an invention titled "Engine for a three wheeler", filed on December, 2007 and published in the Patent Journal on September, 2009. Read more

#### 2. Samsung to open 38,000 Patents to smaller venture companies

SAMSUNG'S 3400 PATENTS FREE OF CHARGE Samsung will open a total of its 38,000 patents in various sectors including mobile devices, display, communication, semiconductor and energy. Among them, 3,400 patents will be provided free of charge.

Samsung announced on June 7 that it will open its registered patents that are owned by Samsung Electronics, Samsung Display, Samsung SDI, and Samsung Electro-Mechanics to small and medium-sized and venture companies and individual entrepreneurs through the creative economy innovation centers in Daegu-Kyeongbuk in a bid to energize the local venture ecosystem. Read more

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NEWSLETTER
JULY 2015

## 3. WTO Director calls 2015 a 'Decisive' year, says WIPO GI Act a boost to WTO IP talks

WIPO GI ACT
TO BOOST
WTO IP TALKS

World Trade Organization Director General Roberto Azevêdo said at a press event yesterday that 2015 is a decisive year for the organisation. One of the main features is the potential conclusion of the Doha Development Agenda. He also said a recent agreement on geographical indications at the World Intellectual Property Organization would provide a boost to IP talks at WTO. The tenth WTO Ministerial Conference will be held for the first time in Africa, in Nairobi, Kenya, from 15-18 December. Read more

# 4. Eureka Forbes denied patent for Aquasure after Hindustan Unilever's opposition

VS
HINDUSTAN

**UNILEVER** 

The patent office has rejected an application by Eureka Forbes for a patent for its flagship iron removal water purifier, Aquasure, on grounds of lack of inventive step and insufficient disclosure.

The patent office refused to entertain the application after hearing the submissions put forth by Hindustan Unilever Ltd, or HUL, which had filed a pre-grant opposition in the matter.

Opposing the grant of patent, Hindustan Unilever submitted that the usage of ion exchange resin for the removal of iron as well as its usage in gravity water filters is well known in prior art. Read more

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#### 5. Nalli sarees issues cease and desist notice on Snapdeal

VS
SNAPDEAL

CHENNAI: Chennai's Nalli Chinnasami Chetty, an 85-year-old clothing brand specialising in premium silk sarees, has issued a cease and desist notice to Delhi-based ecommerce company Snapdeal for allegedly having its registered trademark Nalli as a search word and copying images from its website for backgrounding an offer on silk sarees.

"It is a deliberate attempt by Snapdeal to deceive the public to unjustly enrich itself to make the public assume that the original "NALLI" silk sarees are available on their website," Nalli said in a release. Read more

#### 6. Cipla, BMS settles patent dispute

CIPLA VS BMS

PATENT DISPUTE

AMICABLY SETTLED

The patent dispute between US-based pharma major Bristol-Myers Squibb (BMS) and Indian pharma major Cipla Ltd over entecavir, a pharmaceutical combination for treating Hepatitis B has been settled amicably out of the court. Based on the endorsement made in this regard by both the parties, the Intellectual Property Appellate Board (IPAB) today dismissed the original rectification application filed by Cipla against BMS's patent. Counsels appearing for both the parties informed the Appellate Board that the matter has been settled out of court in April, 2015. Read more

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# 7. Bombay HC expands trademark licensee's right to sue for infringement

ULTRATECH CEMENT LTD

VS

DALMIA CEMENT

BHARAT LTD

New Delhi: The Bombay high court in an order on 10 June said that in a trademark infringement suit, a court can assume jurisdiction even if the parties have only a subordinate or a subsidiary place of business in that jurisdiction.

In an appeal against the order of a single-judge bench of the high court on 25 January, UltraTech Cement Ltd (plaintiff), proprietors of various marks containing the words "UltraTech" or "Ultra" as part of its trademarks, alleged trademark infringement by Dalmia Cement Bharat Ltd. Read more

#### 8. Date of receiving judgment copy matters more, says IPAB

DATE OF
RECEIVING
JUDGEMENT COPY
MATTERS
MORE

CHENNAI: Answering a crucial legal question about filing of patent and trademark appeals, the Intellectual Property Appellate Board (IPAB) has said the date of receipt of a certified verdict copy mattered over the date of passing of verdict.

As it was not possible to file an appeal without receiving a copy, insistence to compute the time for filing appeal from the date of judgment would deprive a person of his/her right to file an appeal, the board said.

The matter pertains to a petition filed by Microsoft Corporation where it had filed an appeal with an apparent delay. According to the relevant provision of the Patent Act, 1970, appeal had to be filed within three months from the date of the decision.

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#### 9. India, US discuss intellectual property concerns

FINANCE MINISTER

AND US OFFICIALS

DISCUSS IP CONCERNS

Finance Minister Arun Jaitley said on Saturday that senior Obama administration officials had raised US concerns with him about India's handling of intellectual property rights during his US visit this week.

Jaitley held talks with Treasury Secretary Jacob Lew and Commerce Secretary Penny Pritzker during a tour that has taken him to New York and Washington, including meetings with CEOs and think tanks. His main purpose has been to seek more US investment in India, Asia's third largest economy.

While offering a mostly upbeat assessment of his trip so far, Jaitley said discussions with US counterparts had also touched upon contentious issues between the two countries. <u>Read more</u>

# 10. Air Vistara trademark row: HC rules city courts have no jurisdiction

TATA SIA AIRLINES LTD.

VS

VISTARA VOYAGES

(INDIA)

BENGALURU, JUNE 30: In a relief to Tata SIA Airlines Ltd, the Karnataka High Court has directed a city civil and sessions court to return a suit filed by Vistara Voyages (India) Pvt Ltd questioning the use of the word, "Vistara," as brand name for the airlines, which is a joint venture between Tata and Singapore Airlines Ltd.

The High Court said that the suit cannot be initiated in Bengaluru courts as Vistara Voyages does not hold a registered trade mark right over "Vistara" and there was no evidence to show that "Air Vistara" was operating or had branch office in Bengaluru, from where Vistara Voyages, a travel agency, has been operating.

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