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**NEWSLETTER JUNE 2015** 

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Hyderabad main office-

Flat No. 04, Sree Nilayam Plot No. 12, Camelot Layout (Near Chirec Public School)

Kondapur, Hyderabad-500084, India Phone: +91-40-65189786, 23019786

Fax: +91-40-23013786 Email: hasan@hasanandsingh.com

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#### 1. India junks US report on IPR, calls it 'inconsistent' with WTO

INDIA JUNKS
US REPORT
ON IPR

The government on Friday rejected the annual report from the US Trade Representative (USTR) on intellectual property rights (IPR), terming it 'inconsistent' with global trading rules.

The report, Special 301, released by the USTR on April 30, had put India under a 'priority watch list' (PWL) category, citing 'inadequate' IPR laws. The US keeps a close tab on the developments of the IPR and patents laws of countries in the PWL category. Read more

#### 2. Government seeks US data before deciding on trade secrets law

INDIAN
GOVERNMENT SEEKS
US DATA FIRST

Facing pressure from the US for separate legislation on protecting trade secrets, India has asked Washington to provide data to ascertain the feasibility of such a law before deciding on the matter. The Indian government wants to know the number of cases filed in each US state since an American law on trade secrets was enacted, in order to figure out if it would be practical to have a separate legislation here to check misappropriation of trade secrets. Read more

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#### 3. Patent office rejects J&J arm's plea for HIV drug intermediate

APPLICATION FOR
INTERMEDIATE
OF RILPIVIRINE
REJECTED

In a setback to US consumer health behemoth Johnson & Johnson, India's patent office has rejected an application from Janssen Pharmaceutica NV, the company's pharma arm, for an intermediate of Rilpivirine, an HIV drug.

The patent office's order came in response to a pre-grant opposition filed by Indian pharma company Cipla against the grant of patent. Cipla had argued that the proposed claims lacked inventive steps and hence was not patentable. Read more

#### 4. Supreme Court bars Glenmark from selling Merck drug copies

**GLENMARK** 

VS

**MERCK** 

The Supreme Court of India has barred Glenmark Pharmaceuticals (GLEN.NS) from making and selling copies of U.S. drugmaker Merck's (MRK.N) diabetes drugs Januvia and Janumet, according to a court document released on Friday.

The court has, however, allowed Glenmark to continue to sell existing inventory, according to the document posted on the Supreme Court's website after a hearing.

The decision against Glenmark comes two years after Switzerland's Novartis AG (NOVN.VX) was denied patent protection for its cancer treatment Glivec in a landmark decision by India's Supreme Court that was widely seen as boosting the local generic drugs industry. Read more

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#### 5. Singapore and China sign MOU on trademark cooperation

**SINGAPORE** 

**AND** 

**CHINA** 

SIGN MOU

SINGAPORE and China will enhance their exchanges on trademark registration, examination practices, protection, and enforcement, following the signing of a memorandum of understanding (MOU) on Monday.

The MOU was signed by Tan Yih San, chief executive of the Intellectual Property Office of Singapore (IPOS), and Liu Yuting, Vice-Minister of the State Administration for Industry and Commerce (SAIC) of the People's Republic of China. Read more

#### 6. Patent refused to Novartis on anti-diabetes formulation

PATENT APPLICATION

REJECTED FOR

MODIFIED

**VIDAGLIPTIN** 

The Patent Office (PO) in Delhi, has refused to grant a patent for an application of Novartis, the Swiss pharmaceutical company, for a modified release formulation of its diabetes drug, Vildagliptin, which it markets under the brand name of Galvus.

Novartis has been engaged in litigation with some Indian companies on a patent for Vildagliptin in this country.

The company filed an application with the PO in November 2007. Read more

Plot No. 12, Camelot Layout (Near Chirec Public School) Kondapur, Hyderabad-500084, India Phone: +91-40-65189786, 23019786

Fax: +91-40-23013786 Email: hasan@hasanandsingh.com

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# 7. USPTO and KIPO Sign Memorandum of Cooperation for Collaborative Search Pilot

USPTO AND KIPO SIGN

MOC

WASHINGTON - The US Department of Commerce's United States Patent and Trademark Office (USPTO) and the Korean Intellectual Property Office signed a Memorandum of Cooperation (MOC) on May 20, 2015, to begin a bilateral Collaboration Search Pilot (CSP) program. The MOC, signed at a bilateral meeting during the IP5 Heads Meeting in Suzhou, China, allows the two offices to share search information prior to a first office action, a press release by the USPTO stated. Read more

#### 8. DIPP not in favour of utility patents proposed by IPR think-tank

DIPP

NOT

IN FAVOR OF

**UTILITY PATENTS** 

The Department of Industrial Policy and Promotion (DIPP) is not in favour of changing the country's patents law to allow grant of utility patents, as suggested by the think-tank set up by the government to draft a national intellectual property rights (IPR) policy.

The department argues that this less-stringent form of intellectual property protection could lead to ever-greening of patents.

Utility patents, known as petty patents, are exclusive rights granted for innovative utilitarian inventions that do not reach the level of inventiveness required for patents and are, therefore, accorded protection for a shorter time period. Read more

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#### 9. Pfizer gets IPAB breather on Zeldox Patent

REJECTED PATENT

APPLICATION

**FOR ZELDOX TO BE** 

**RECONSIDERED** 

In a reprieve to US-based pharma major Pfizer Inc, the Intellectual Property Appellate Board (IPAB) has set aside an order that rejected the company's patent application for Zeldox — a drug used for the treatment of psychotic patients.

The IPAB has asked the patent office, Delhi, to reconsider the matter afresh by providing ample opportunities to the pharma company to put forth its submissions more effectively and pass an order in a another five months. Read more

#### 10. National IPR Policy to be delayed further

NATIONAL IPR

POLICY TO BE

DELAYED FURTHER

The much-awaited National Intellectual Property Rights (IPR) Policy might be delayed further, with the draft getting stuck at the inter-ministerial consultation level and inputs from key ministries yet to come.

The department of industrial policy and promotion (DIPP), under the ministry of commerce and industry, had prepared and circulated the draft policy and invited public comments last year. The draft is now with ministries, which were expected to respond with feedback by the middle of this month. Read more

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#### 11. Ford Follows Tesla And Toyota In Releasing EV Patents

FORD
RELEASES
EV PATENTS

Ford is now the third automaker to release patents related to electric vehicle technology for anyone to use, in an effort to accelerate research and development of electric vehicles. Tesla and Toyota have already made similar moves for the same reason.

Ford has more than 650 patents on electric vehicle technology and another 1,000 pending patent applications. In 2014 alone, Ford filed more than 400 electric vehicle technology patents.

"As an industry, we need to collaborate while we continue to challenge each other," said Kevin Layden, director of Ford electrification programs in a statement announcing the decision to release the patents. "By sharing ideas, companies can solve bigger challenges and help improve the industry." Read more