



KSCSTE - PIC BULLETIN

Patent Information Centre - Kerala
Kerala State Council for Science, Technology & Environment

IPR NEWS

HYDERABADI HALEEM GETS GI STATUS

Hyderabadi Haleem, a dish has been granted geographical indication registration. After a series of meetings and inspections spread over a year, Shri. P.H. Kurian, the Controller General of Patents, Designs, Trade Marks and Registrar of Geographical Indications, presented the GI certificate to Mr. M.A. Majeed, president of the Haleem Makers' Association. The tag implies that hence forth shops that prepare haleem outside Hyderabad will not be able to sell their product as Hyderabadi haleem and even those within the city can only claim the GI tag if they meet the quality standards. It can be called Hyderabadi haleem only if the maker follows the prescribed standards accepted by GI officials. Mr Majeed, whose Pista House is the largest haleem maker in Greater Hyderabad, has the confidence that the tag would help protect the popular dish. Mr. Majeed said that they filed for the GI tag as they felt the need to check the misuse of the name Hyderabadi haleem and people in other places are making the dish in this name without even following the basic quality standards.

(5th September, 2010, DECCAN CHRONICLE)

UDUPI BRINJAL GETS GI TAG

The fabled Udupi Mattu Gulla, a vegetable belonging to the egg plant species has been granted geographical indication registration. There are dozens of varieties of brinjal in India but the one that grows in a small stretch between Udyavara river and Malpe in areas like Mattu, Udyavar and Kaipunjalu is a very special type as it has a distinct aroma and texture. The farmers had been fighting for retaining this vegetable from being subjected to transgenic contamination for the last fifteen years and their struggle has now borne fruits. Botanically referred to as Solanum melongena var esculenta Nees, the variety of Badane commonly found all over India is elongated or round, violet/pink/white/green in colour while Gulla found

in the Udupi district of Karnataka is round, green in colour.

(Journal of Intellectual Property Rights, NISCAIR, CSIR, Vol 15, September 2010)

INDIAN TRADEMARK ACT AMENDED

Schedule IV under the Indian Trademark Act 1999, has now been amended to bring various goods and services that may be applied for trademark registration in conformity with the ninth edition of the Nice Classification - an international system followed to classify goods & services. Through a notification in the Gazette of India dated 20th May, 2010, the number of classes under the schedule has been increased from 42 to 45. Class 42 earlier covering 'other services' has been replaced to include the following:

42. Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.
43. Services for providing food and drink; temporary accommodation.
44. Medical services, Veterinary services, hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.
45. Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.

This is a major step forwarded for India in the trademark domain as this decision has sent a strong message to the international community that India not only has the objective but is also competent to sign the Madrid System

(Journal of Intellectual Property Rights, NISCAIR, CSIR, Vol 15, September 2010)



Chief Editor Speaks:

In this Knowledge Era, creativity and innovation are the driving force of world economy. Technological innovation is very essential for fostering economic growth, enhancing global competitiveness and protecting the environment. These technological inventions as well as the creations are protected by the powerful legal tool known as Intellectual Property Rights.

Realizing the significance of IPR, PIC-Kerala (established by KSCSTE with the support from PFC-TIFAC/DST) has been implementing a number of activities to promote and propagate IPR in the State through awareness creation and by facilitating the filing of Patents. The quarterly bulletin on IPR was introduced in July, 2008. The activities of PIC as well as the news relating to various developments in the field of IPR are included in the bulletin. I have great pleasure in presenting the bulletin to the readers. As always, suggestions from the readers on further improvement are always welcome.

Dr. C.T.S. Nair

INDIA FOILS CHINESE FIRM'S BID TO PATENT PUDINA, KALAMEGHA FOR FLU MEDICINE

India has thwarted a Chinese pharmaceutical company's plan to obtain a patent from the European Patent Office (EPO) for the treatment of avian influenza and epidemic fever by using pudina (mint) and kalamegha (andrographis). India pointed out to the EPO that the formulation was known and used in India for centuries and was a part of traditional Indian medicine and therefore could not be patented by the Chinese firm. In January 2007 Guangdong province-based Livzon Pharmaceutical Group had filed patent application No: EP1849473 with the EPO under the title, "Chinese traditional medicine composition for treatment of avian influenza, method for preparation, and application" using pudina and kalamegha.

On 27 April 2010, Dr. V. K Gupta of the Traditional Knowledge Digital Library (TKDL), jointly set up by the Department of Ayurveda, Unani, Siddha and Homeopathy (AYUSH) of the Health Ministry and Centre for Scientific Industrial Research (CSIR) submitted to the EPO details of four medicinal formulations from ayurveda and unani text books, where the uses of pudina and kalamegha for the treatment of influenza, epidemic fever have been practiced for hundreds of years in the Ayurvedic and unani systems of traditional Indian medicine. Since all these traditional formulations were written centuries ago in Sanskrit, Urdu, Hindi, Arabic, Tamil and various other Indian languages,

TKDL had to translate these 9th century texts scientifically in five international languages - English, German, French, Japanese and Spanish for the benefit of the EPO.

(7th August 2010, Domain-b.com)

KERALA GOVERNMENT FOR INCLUSION OF 'KNOWLEDGE COMMONS'

The Kerala State Government has sought the inclusion of a new form of IP called 'Knowledge Commons' in the existing patent laws to protect the livelihoods of practitioners of traditional medicines and other forms of traditional knowledge. The Minister for Law, Govt. of Kerala, in his letter to the Central Government has said that the news TRIPS-compatible regime that has been enacted in the country has left the practitioners of traditional knowledge, in particular traditional medicines, in an extremely vulnerable position. The patent law recognizes only two forms of Intellectual Property, namely, private property and public domain. The Minister argued that traditional knowledge could not be included either in private property or public domain.

The concept of 'Knowledge Commons' was first mooted in the state's IPR policy which remains a mere suggestion as the State Government cannot enact any law on the subject. The policy suggested that all traditional knowledge should be in the domain of 'Knowledge Commons'. The purpose of this suggestion was to prevent MNCs or domestic corporate entities from displacing traditional practitioners by taking advantage of a new patent regime.

(Journal of Intellectual Property Rights, NISCAIR, CSIR, Vol 15, September 2010)

REGISTRY MOVED FOR REMOVAL OF GI TAG 'TIRUPATI LADDU'

An application has been registered with the Geographical Indications (GI) Registry seeking removal of the entry pertaining to 'Tirupati Laddu' GI. The rectification application has been moved by Mr. R. S. Praveen Raj, an IPR expert and a scientist from NIIST. This follows a Madras High Court order directing a public interest writ petitioner to approach the Intellectual Property Appellate Board (IPAB) or the GI Registry for relief in the matter. Explaining the grounds on which he disagreed with the GI tag, Mr. Raj said GIs are supposed to refer to collective community rights protecting a group of producers but "Tirupati laddu" fails to conform to this category.

Intellectual Property Rights (IPRs) with reasonable restrictions are allowed only because it is essential for industrial growth of the country. But no industrial purpose

is served by the grant of 'goods' status to a temple offering. "Tirupati laddu' could not be classified either as an 'agricultural' or 'natural;' good or even a handicraft, leaving an option to schedule it under 'industrial good'. But it is quite hard for devotees to digest the fact about temple offerings being equated with a manufactured good or a commercially significant commodity, Mr. Raj said. GI tag also tends to pass off a wrong message to the public that temple 'prasadam' are akin to 'industrial good'.

(26th October 2010, Hindu Business Line)

GI REGISTRATION FOR THREE FARM PRODUCTS

Wayanad Jeerakasala Rice, Wayanad Gandhakasala Rice and Central Travancore Jaggery have been registered with the Geographical Indications (GI) registry. Geographical Indication (GIs) identify products as agricultural goods, natural goods or manufactured goods as originating or manufactured in the territory of a country or a region or locality in that territory where a given quality, reputation or other characteristics of such goods is essentially attributable to its geographical origin. In Wayanad, Jeerakasala and Gandhakasala are cultivated in about 400 hectares. The agro-ecological conditions of Wayanad, organic cultivation, traditional genetic make-up of cultivars, and unique processing technologies contribute to the specific aroma and flavour of Jeerakasala and Gandhakasala. They are cultivated mainly by Wayanad Chetti, Kuruma and Kurichya communities. The rice is sold in the market at a price of Rs. 50-60 per kg. The KAU and the Wayanad Zilla Nellulpadaka Karshaka Samithi were the joint applicants for the GI.

Central Travancore Jaggery is organically produced. Made from fresh sugarcane juice, it has high iron content. In Central Travancore, sugar cane is cultivated in about 200 hectares. The KAU and two farmer societies, Garkhandhasari Industrial Cooperative Society, Kottayam, and Madhya Thiruvithamcore Karimbu Vikasana Samithy, Alappuzha, had applied for the GI registration.

(7th November 2010, The Hindu)

BUSINESS METHODS ARE PATENTABLE IN CANADA

The Federal Court of Canada has ruled that 'business methods' are patentable. Internet retailer Amazon.com applied for a Canadian patent for its online shopping 'method and system' back in 1998. Canada's Commissioner of Patents eventually rejected the application. While the Commissioner found the business method 'novel' and 'non-obvious', she felt that the method did not comply with the definition of 'invention' found in the Patent Act.

That rejection was appealed to the Federal Court. In the decision issued, the Court overturned the Commissioner's decision and brought some clarity to otherwise foggy issue of where business methods stand in the Canadian patent regime. The court found that the Commissioner relied too heavily on foreign decisions, particularly those which use different definitions for 'invention' than that found in Section 2 of the Canadian legislation. The foreign decisions led the Commissioner to find that business methods are excluded from Canada's statute. According to the Court no such exclusion exists.

(Journal of Intellectual Property Rights, Nov, 2010)

WIPO LAUNCHES ON-LINE TOOL TO ASSIST IN FILING INTERNATIONAL TRADEMARK APPLICATIONS

WIPO on December 20, 2010 launched an on-line tool - the Madrid System Goods & Services Manager (G&S Manager), that will help trademark applicants in compiling the list of goods and services that must be submitted when filing an international application under the Madrid System for the International Registration of Marks. The G&S Manager, which can be accessed through the WIPO GOLD portal, gives access to thousands of standard terms classified in accordance with the 9th edition of the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification). Applicants using the G&S Manager can select the terms that best describe the goods and services relating to the mark. A Russian interface of the G&S Manager is also available on the WIPO website. This Russian interface gives access to some 16,000 terms that have been translated into Russian by the Federal Institute of Industrial Property (FIPS) of the Federal Service for Intellectual Property, Patents and Trademarks of the Russian Federation (ROSPATENT). Other language versions of the G&S Manager are currently under preparation in cooperation with the trademark offices of other Madrid Union members.

(<http://www.wipo.int>, December 20, 2010)

PLEA FOR REMOVAL OF TWO GI REGISTRY ENTRIES

The office of the Controller General of Patents, Designs and Trademarks, so far received two petitions for 'rectification' and possible removal of Geographical Indication (GI) tags with respect to two entries in the GI Registry. These are Darjeeling Tea (word and logo) that appears as entry No 1 and 2 in the Registry and Tirupathi Laddu as No 121, according to the Controller General of Patents, Designs and Trademarks, Mr. P.H. Kurian. He told that the application have been forwarded to the GI Registry

in Chennai for further action. Concerned parties would be given a hearing and the matter will be settled in a judicious manner in due course. A case for removal of GI entries seems to have been mounted on the basis of the lack of proper credentials of the applicant as the rightful owner of the GI.

In the case of Darjeeling Tea, the registration has been challenged on the ground that the Tea Board cannot

be GI owner as it does not part of its value chain and/or its producer. In the case of Tirupathi Laddu, it was the Tirumala - Tirupathi Devasthanam (TTD) that had moved the application for GI entry. The rectification plea in this case was moved by Mr. R.S. Praveen Raj, Scientist IP Management and Technology, NIIST, Trivandrum.

(Hindu Business Line, 20 December 2010)

Disclaimer: The views expressed in the IPR News column of the bulletin are not necessarily those of the KSCSTE or its Institutions.

Seminars/ Workshops/Exhibitions/Lectures/ Talks organized

During the period from August – December, 2010, PIC – Kerala organized 17 IPR awareness Seminars/Workshops throughout the State. The details of the awareness programmes are as follows.

Programme Organized	Date and Venue	Resource Persons
National Workshop on 'Intellectual Property Rights and Economic Development in the Knowledge Era', jointly organized by Calicut University, Kozhikode.	12th August, 2010, at Calicut University, Kozhikode	<ul style="list-style-type: none"> • Dr. R. Saha • Shri. K. M. Viswanathan • Shri. J. Abhayan • Shri. Chirag Tanna
National Seminar on 'Dimensions of Intellectual Property Rights for the Protection of Technological Inventions', jointly organized by Sree Chitra Thirunal College of Engineering, Trivandrum	31st August, 2010, at Sree Chitra Thirunal College of Engineering, Trivandrum	<ul style="list-style-type: none"> • Dr. Bismi Gopalakrishnan • Shri. R. S. Praveen Raj • Shri. S. Balram • Shri. Safikh S.
National Seminar on 'Role of Intellectual Property Rights in the Knowledge Era', jointly organized by Sree Buddha College of Engineering, Pandalam	14th September, 2010, at Sree Buddha College of Engineering, Pandalam	<ul style="list-style-type: none"> • Shri. R. S. Praveen Raj • Dr. Bismi Gopalakrishnan • Shri. Ajith M. • Shri. Safikh S.
National Workshop on 'Intellectual Property Rights for Grass root Innovators', jointly organized by Malabar Botanical Garden, Kozhikode	16th & 17th September, 2010, at Malabar Botanical Garden, Kozhikode	<ul style="list-style-type: none"> • Dr. P. Rajasekharan • Dr. Ajit Prabhu V. • Dr. S. Rajasekharan
National Seminar on 'Role of Intellectual Property Rights in the Knowledge Era', jointly organized by College of Engineering, Poonjar, Kottayam	17th September, 2010, at College of Engineering, Poonjar, Kottayam	<ul style="list-style-type: none"> • Shri. V. P. Balagangadharan • Shri. Narendra Bhatta • Shri. Afsar S. • Shri. Safikh S.
National Workshop on 'Intellectual Property Rights', jointly organized by Rajiv Gandhi Institute of Technology (RIT), Pampady, Kottayam	18th September, 2010, at Rajiv Gandhi Institute of Technology (RIT), Pampady, Kottayam	<ul style="list-style-type: none"> • Shri. V.P. Balagangadharan • Shri. Afsar S. • Shri. Narendra Bhatta • Mr. Safikh S.
Seminar on 'Role of Intellectual Property Rights in the Knowledge Era', jointly organized by N.S.S. College of Engineering, Palakkad	22nd September, 2010, at N.S.S. College of Engineering, Palakkad	<ul style="list-style-type: none"> • Shri. K. M. Viswanathan • Shri. R. Devan • Shri. Safikh S.

National Seminar on 'Intellectual Property Rights', jointly organized by Govt. Engineering College, Sreekrishnapuram, Palakkad	23rd September, 2010, at Govt. Engineering College, Sreekrishnapuram, Palakkad	<ul style="list-style-type: none"> • Shri. K. M. Viswanathan • Shri. R. Devan • Shri. Safikh S.
National Seminar on 'Role of Intellectual Property Rights in the Knowledge Era', jointly organized by Mar Baselios College of Engineering, Nalanchira, Trivandrum	25th September, 2010, at Mar Baselios College of Engineering, Nalanchira, Trivandrum	<ul style="list-style-type: none"> • Shri. V. P. Balagangadharan • Shri. R. Devan • Dr. Bismi Gopalakrishnan • Dr. Ajit Prabhu V.
National Seminar on 'Intellectual Property Rights', jointly organized by College of Engineering, Attingal	25th September, 2010, at College of Engineering, Attingal	<ul style="list-style-type: none"> • Shri. R. S. Praveen Raj • Smt. Sindhu Thulaseedharan • Shri. R. Devan • Shri. Safikh S.
Workshop on 'Role of Intellectual Property Rights', jointly organized by Govt. Engineering College, Barton Hill, Trivandrum	15th October, 2010, at Govt. Engineering College, Barton Hill, Trivandrum	<ul style="list-style-type: none"> • Shri. V. P. Balagangadharan • Shri. R. S. Praveen Raj • Ms. Deepa K. V.
Seminar on 'Intellectual Property Rights', jointly organized by Kelappaji College of Agricultural Engineering and Technology, Tavanur, Malappuram	9th November 2010, at Kelappaji College of Agricultural Engineering and Technology, Tavanur, Malappuram	<ul style="list-style-type: none"> • Shri. Ajith M. • Shri. R.S. Praveen Raj • Shri. Safikh S.
National Seminar on 'Role of IPR in the Knowledge Era with a Management Perspective', jointly organized by Institute of Management in Kerala (IMK), Trivandrum	10th November, 2010, at Priyadarshini Planetarium, Kerala State Science & Technology Museum, PMG, Trivandrum	<ul style="list-style-type: none"> • Shri. V.P Balagangadharan • Dr. Ajit Prabhu V. • Shri. S. Balram • Shri. Safikh S.
Seminar on 'Intellectual Property Rights', jointly organized by Mar Baselios Christian College of Engineering & Technology, Peermade	18th November, 2010, at Mar Baselios Christian College of Engineering & Technology, Peermade	<ul style="list-style-type: none"> • Shri. K.M. Viswanathan • Shri. R. Devan • Shri. Safikh S.
Seminar on 'Intellectual Property Rights', jointly organized by Amal Jyothi College of Engineering, Kanjirapally, Kottayam	19th November, 2010, at Amal Jyothi College of Engineering, Kanjirapally, Kottayam	<ul style="list-style-type: none"> • Shri. K.M. Viswanathan • Shri. R. Devan • Shri. Safikh S.
National Seminar on 'Intellectual Property Rights and Digital Rights Management', jointly organized by National Institute of Technology, Calicut	26th & 27th November, 2010, at National Institute of Technology, Calicut	<ul style="list-style-type: none"> • Dr. Ajit Prabhu V. • Prof. R. Muralidharan • Shri. Vinodkumar Kotabagi • Adv. Lawwellman • Prof. Lakshmi Narayana • Prof. R. Muralidharan • Dr. M.G. Sreekumar • Shri. Safikh S.
Workshop on 'Intellectual Property Rights', jointly organized by MES College of Engineering, Kuttippuram, Malappuram	8th December, 2010, at MES College of Engineering, Kuttippuram, Malappuram	<ul style="list-style-type: none"> • Shri. R.S. Praveen Raj • Shri. Ajith M. • Shri. Safikh S.

IPR Exhibitions

- In connection with the exhibition of projects of M.Tech Students, organized by the College of Engineering, Trivandrum, on 24th November, 2010, a stall of PIC-Kerala was arranged and provided IPR related services to the Students. Around 100 Students and Faculty visited the Stall.
- In connection with the exhibition organized as a part of the first Indian Biodiversity Congress, held at Trivandrum, from 27th – 31st December, 2010, PIC-Kerala arranged their stall. Around 500 people including Scientists, Researchers, Environment Specialists, Students, Faculty, Grass root Innovators and General Public visited the stall.

Lectures on IPR

Dr. Ajit Prabhu V, Joint Director, KSCSTE & Nodal Officer, PIC-Kerala delivered the following lectures on IPR in various occasions.

- Lecture on 'Intellectual Property Rights' through All India Radio' on 23rd September 2010.
- Lecture on 'Intellectual Property Rights' at Technopark, Trivandrum, on 29th October 2010, as a part of Training Programmes for the Faculty in the Engineering Colleges, organized by Technopark, Trivandrum.
- Lecture on IPR on 9th December, 2010, in connection with the 3 day training programme in General Informatics, organized from 9th - 11th December, 2010, by Marlvianos College, Nalanchira., Trivandrum.

IPR Cells Established in Universities & Engineering Colleges

To provide IPR related services to the Students and Faculty in the University Departments, with the support from PFC/TIFAC, PIC-Kerala established IPR Cells in five S&T Universities in the State namely University of Kerala, Cochin University of Science & Technology, Kannur University, Kerala Agricultural University and University of Calicut. The IPR Cell in the University of Calicut was formally inaugurated on 12th August, 2010, by Dr. R. Saha, Director, PFC/TIFAC, New Delhi.

Also, realizing the potential of IPR among the Engineering Students, PIC-Kerala, with the support from the Directorate of Technical Education, Govt. of Kerala, established IPR Cells in 10 Govt. and Aided Engineering Colleges in the State. The IPR Cells in Rajiv Gandhi Institute of Technology (RIT), Pampady, Kottayam, Govt. Engineering College, Sreekrishnapuram, Palakkad and Govt. Engineering College, Barton Hill, Trivandrum were formally inaugurated.

Achievements of PIC-Kerala since its inception

- Organized 147 IPR awareness programmes on IPR, which includes 102 National/ Regional Seminars/Workshops.
- Received 177 Patent applications.
- Forwarded 32 Patent applications to PFC/TIFAC, New Delhi for filing Patent.
- Established 5 IPR Cells in five Universities in Kerala.
- Established 10 IPR Cells in 10 Govt. and Aided Engineering Colleges in Kerala.
- Launched an exclusive website for PIC-Kerala.
- Published quarterly Bulletin, Brochures, Booklets and Pamphlets on IPR.

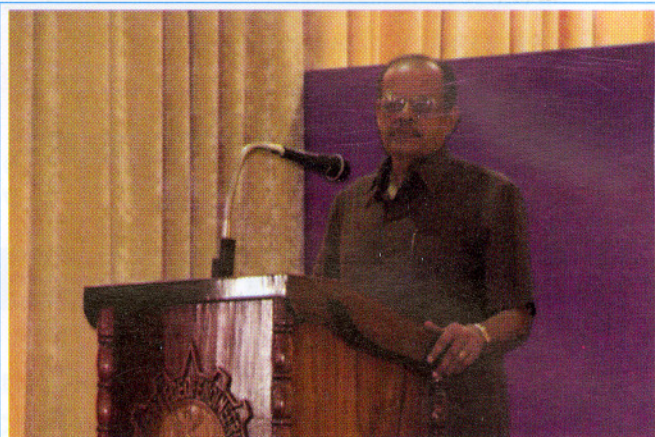
Photos



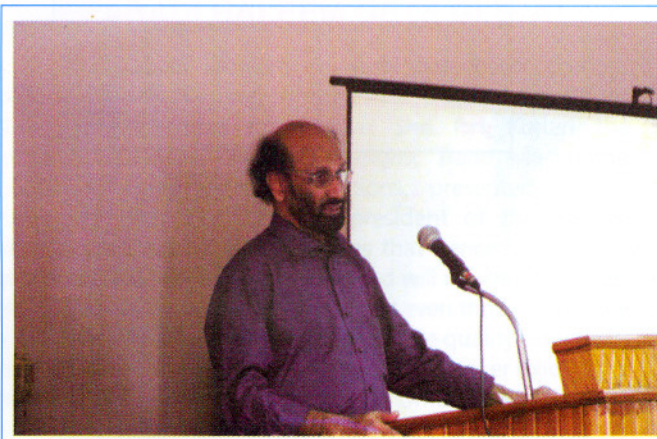
Shri. Binoy Viswam, Hon'ble Minister for Forest, Wild Life Protection and Housing, Government of Kerala, inaugurates the National Seminar at NIT, Calicut



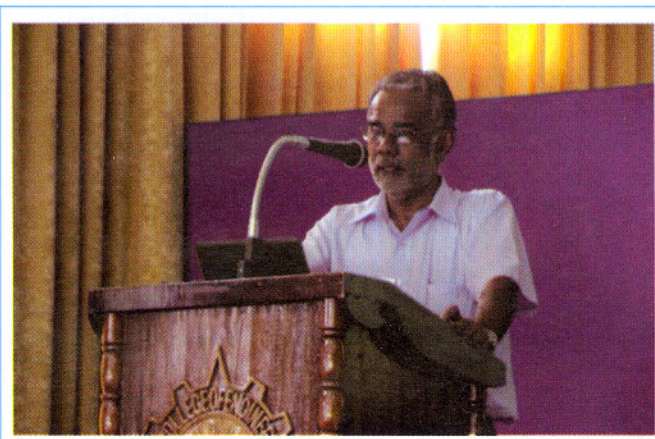
Dr. R.Saha, Director, PFC/TIFAC inaugurates the National Workshop on IPR and the IPR Cell at Calicut University.



Padmasree Prof. (Dr.) N.R. Madhava Menon inaugurates the National Seminar at Mar Baselios College of Engineering, Trivandrum



Dr. B. Ekbal, Former Vice - Chancellor, University of Kerala inaugurates the National Workshop on IPR and the IPR Cell at Rajiv Gandhi Institute of Technology, Kottayam.



Shri. V. P. Balagangadharan, Brahmaprakash Scientist, VSSC delivering his lecture in the National Seminar on IPR at Mar Baselios College of Engineering, Nalanchira, Trivandrum



Dr. Kuncheria. P.Issac, Director of Technical Education, Govt. of Kerala, inaugurates the Seminar on IPR at Sree Chitra Thirunal College of Engineering, Trivandrum



Dr. Ajit Prabhu V., Joint Director, KSCSTE & Nodal Officer, PIC-Kerala delivering the keynote address in the Workshop on IPR at Govt. Engineering College, Barton Hill, Trivandrum

Editorial Board

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To

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