



**Deccan Education Society's
Brihan Maharashtra College of Commerce
(AUTONOMOUS)
845, Shivajinagar, Pune - 411004**

Online Workshop on “Introduction to Intellectual Property Rights”

Inaugural Report:

A two days webinar/workshop on “**Introduction to Intellectual Property Rights**” was organised by BMCC, Pune on **15th & 16th February 2021** for the teaching faculties, research scholars, students and professionals. The main motive behind this webinar was to create awareness about Intellectual Property Rights and stress the importance of registering patents, creating copyrights and trademarks for the innovative ideas, business processes and unique intellectual works.

The workshop began with “Saraswati Vandana” and the introductory remarks by Dr. Varsha Deshpande (IQAC Co-Ordinator, BMCC, Pune) on 15th February 2021. The inaugural session was virtually chaired by Prof. Dr. Aniruddha Pandit (VC of Institute of Chemical Technology). Dr. Seema Purohit, (Principal, BMCC, Pune) welcomed Prof. Dr. Aniruddha Pandit and Dr. Rajeshree Gokhale gave a brief introduction about him to the audience.

It was a great honour to have Prof. Pandit to chair such event as he has many patents registered on his name. He also provides consultation to many companies, individuals and also heads many government bodies for the same purpose. He has worked in chemical engineering field and has many national and international publications and more than 10,000 citations to his credits.

In the start of his inaugural speech, he gave an example of Coke which gets manufactured by Coca-Cola Company and explained the concepts like design, logo, copyrights and trade secrets in simple words. He even mentioned that the formula of coke is not registered but still they are successful to keep this secret over the years.

For stressing out the importance of patents he gave the below three main reasons for registering a patent for any idea:

1. To have recognition to the idea
2. To seek business opportunity (Commercial Exploitation)
3. To prevent others from stealing your ideas.

Prof. Pandit also mentioned that it is very important to verbalize the thought process of an innovator by writing down a patent and also there should not be any ambiguity while writing the patent.

The concluding words of his speech were, “***Innovation can come from any sector of the society!***” which also gave us an optimistic view of him towards all future innovations.

First Session (Day One):

After the inaugural session, Dr. Mridula Bele, (NDMVP's College of Pharmacy, Nashik) delivered the first session on "Basics of Intellectual Property Law (Patents)". Dr. Asma Bagwan introduced and welcomed Dr. Mridula Bele and requested her to start the presentation.

In her speech Dr. Mridula Bele stated that 'Intellectual Property refers to the creation of Human Mind or the intellect' and Intellectual Property Rights are the legal rights governing the use of the creations of human minds. Then she explained the below mentioned features of Intellectual Property Rights with appropriate examples.

1. Intangibility
2. Non-rivalrous: Nobody can steal our Intellectual Property.
3. Non excludable: We cannot build fences around our ideas.
4. Limited period of protection
5. Territoriality: Intellectual Property Rights are limited to countries. E.g. Indian patent laws are different from the patent laws in U.S.A. and are applicable only in India.
6. Exhaustion: The IPR exists for a certain period as per the law. Most of the times it is protected for a period of 20 years. In some exceptional cases protection maybe provided for more than 20 years.
7. National Treatment: The IPR is applicable in all over the country.
8. Most Favoured Nation treatment is applicable to all member nations of World Trade Organization.

While explaining the territoriality of IP Laws she said that the price of products increases because of patenting and things become expensive, so countries help maintaining the balance between the economic gain of the owner and welfare of the society.

Then she explained the different types of IP such as Copyrights and Trademarks. Copyrights of Industrial Property include 1. The Trademarks, 2. Patents, 3. Industrial designs, 4. Trade secrets and 5. Geographical Indications. Trademarks tell the users the authenticity of the products. The Trademarks may include 1. Brand names, 2. Slogans, 3. Genuine marks, 4. Figures, e.g. Puma 5. Letters, 6. Words, e.g. Déutche Bank 7. Symbols, 8. Numbers, 9. Colours, 10. Smells and 11. Sounds.

After that she explained the requirements of trademarks.

How a trademark should be?"

1. A trademark should be distinctive: An apple is distinctive for phone but descriptive for apple juice.
2. A trademark should not be deceptive or descriptive: There should be no comparison with other brands. The deceptive trademark exists when it has Visual similarities, Phonetic similarities or Conceptual similarities. It is frequently observed in medicines and products for example some people use Adidas as Abidas for confusing the customers.

3. A trademark should not use geographical terms: Apple is distinctive for phone but descriptive for Apple juice - it is a generic term. Such copyrights of the trademarks will not be issued.
4. A trademark should not be misleading: trademarks such as Gangajal written on a water bottle with a photo of Lord Shiva, will mislead the customers. Similarly, the green T-shirt may try to promote products as environment friendly but in reality it may not be true.
5. A trademark should not cause infringement of other products - parody as defence is not allowed under the Intellectual Property Rights. Few examples of such act of imitations are:
 - e.g. 1.**
 - a. The North Face - Never Stop Exploring
 - b. The South Butt - Never Stop Relaxing
 - c. The Butt Face - Never Stop Smiling.
 - e.g. 2.** Louis Vuitton is a famous company from France which is a specialist in selling high quality, luxury lady bags, purse, etc. One company used the same name Vuitton for its Dog products in the name of chewy Vuitton in the United States. The case was filed in the US court. “The court allowed it because the products were different” and further it got a remark that the products were not competing with one another.

Then she explained that in total there are 42 categories of Trademarks for products and services present as of now. Trademarks are specific for different classes 1 - 6 (specific class exists such as 1. Chemical, 2. Paints, etc). To get the Intellectual Property Rights it is compulsory to mention the class or specification.

It is observed that once you apply for the trademark or for the copyrights, you need to wait. If someone challenges then you have to change or re-consider. If no one challenges then the person is given the permission to use the trademarks as the owner of the trademark.

The concluding words of her speech were “*You have to pay the fees regularly to renew the trademarks otherwise the trademarks may expire*”.

Second Session (Day One):

The second session of Day One was delivered by Adv. Ashish Sonawane, (Lawyer, Mumbai High Court) delivered the second session on “Comprehensive IP Strategy”. Prof. Dr. Rajeshree Gokhale introduced and welcomed Adv. Ashish Sonawane and requested him to start the presentation.

Adv. Ashish Sonawane is a practicing Lawyer, IP Attorney & Mediator. He is a registered member of SVAMC’s (Silicon Valley Arbitration and Mediation Centre) Young Arbitrators. He is also an accredited mediator on the panels of IIAM (Indian Institute of Arbitration & Mediation) and a member of CMA (Centre for Mediation and Arbitration).

In his 1st session on 15th February 2021, he started with how property is important for individuals and how protection of any property is done by Government. In the same way it is high time to work on Comprehensive Intellectual Property Policy so that human ideas which

are considered as property get protection. For explaining this he gave example of current disputes over “Turmeric Latte” between USA and India and disputes between Indian Companies and Chinese companies.

Then he focused on what is Invention and how it is converted into a Patent. How claims for the patent to be made and what is patentability. For explaining this he gave illustration of basic wooden pencil. He explained what is novelty with “Google glass”, as novelty requires some non-obvious claims which are not materially described to the public prior to application.

After that he explained about “Copyrights” which are the exclusive rights to only one who can either use it or authorize other. For explaining Trademark and Copyright he gave example of “Apple” products. The things which are protected by this company as their intellectual property are like,

- Product layering
- Interface elements
- Icon
- Grid layering.

Layering IP strategy is useful because we get: 1. Different scope of protection, 2. Different timing of protection, and 3. Multiple options of flexibility.

Third Session (Day One):

The last session of Day One was delivered by Mr. Avinash Thakur, (CEO, AIC-Pinnacle) on “The Role of Incubation Centres in the Academic Institutions”. Prof. Shubhendu Pandit introduced and welcomed Mr. Avinash Thakur and requested him to start the presentation.

Mr. Avinash Thakur began his speech by presenting a case study of “Mutual Success of Silicon Valley and Stanford University. He stated that Silicon Valley provides a rich framework for “open innovation” and also ensures the dynamics of refreshing it. The same should be done in India and ‘every academic institution should have a comprehensive IPR Cell, and a Start-up and Innovation Policy for creating an Innovation Ecosystem’. He also said that, Innovation Ecosystem is a long-term process which requires maximum efforts at institution level and it cannot be built in one day. There should be some product development at institution level, city level, and state level to have a growth of evidence-based economy.

Then he told the necessary elements of an innovation-based entrepreneurial economy. For creating an ecosystem related to innovation incubation centre there is a requirement of people, ideas, capital and infrastructure. Silicon Valley supports a product-based system and then converts it into different start-ups. In India we should also have student or faculty-based product development system which can be converted into different start-ups later. Companies like Google and Facebook have also got started from academic institutions. Industry can focus on execution of technology R&D, and bring technology to academic floor. Whereas, creation of new idea to proof of concept and understanding phenomena, followed by adequate research to provide direction toward the solution can take place at the academic level. Competitive and post competitive things (value differentiation for unique technology, unique

products, time-to-market) can be done at the industry level and pre-competitive and non-competitive things (knowledge and resource sharing across broad spectrum of organizations, institutions and countries for critical mass) can be done at the academic level.

We must support interdisciplinary research activities. Institutions can receive grants through CSR funds. Even lots of collaborations should take place at various levels to create the ecosystem. For the development of the incubation centre you will require T-Shaped people who have Breadth of Knowledge about Creativity, Innovation and Entrepreneurship and Depth of Knowledge in a Technical Discipline, in short you will need highly experienced and energetic people who have creative approach, innovative and out of the box thinking capacity and leadership qualities.

The overall conclusion that one can draw from this session was to change the perspective and achieve the great heights. Mr. Thakur poised this by explaining with the examples stated above.

Day Two (16th February 2021)

First Session (Day Two):

Dr. Mridula Bele, (NDMVP's College of Pharmacy, Nashik) delivered the first session of the second day on the "Basics of Intellectual Property Law (Copyrights)". Dr. Varsha Deshpande started the session with introductory remarks and welcomed Dr. Mridula Bele.

In her 2nd speech Dr. Mridula Bele spoke exclusively on the need of registering the copyrights and explained its registration and maintenance process in details. She stated that Indian copyright board is different from the patent board and to get copyrights our work needs to be original. We can get copyrights for artistic, literary, dramatic, musical, cinematographic, sound recording, etc. type of works. The copyright holder gets rights for various things such as: 1. Making copies, 2. Derivative works, 3. Display, 4. Distribution and 5. Performance.

The Rights involved in copyrights are: 1. Economic Rights and 2. Moral Rights. The Economic rights include: a) Right of Reproduction, b) Right of Public Performance, c) Right of Translation and d) Right of Adaptation, whereas, the Moral rights include: a) Rights of Affiliation and b) Right to the Integrity of work. While explaining Moral Rights she gave an example of a case filed by Amarnath Sehgal versus Union of India regarding a mural made by him. The court ruled in favour of Amarnath Sehgal and he was paid a compensation worth Rs. 5 Lakhs. The government was also asked to return his mural.

Then she said that the fair use of copyrighted works is permitted. Fair use is a statute under copyright law that allows for the use of limited portions of a work that has copyright, without having to have a permission from the original.

The registration of copyrights in India can be done by sending an application and getting it duly examined. The applicant has to pay 200 rupees as the application fees. The

copyrights are allotted to the author for lifetime and his relatives get 60 years' grace time. She also spoke on the plagiarism in academics. To avoid plagiarism, we can use free plagiarism tools such as Duplichecker, Plagiarisma and EduBirdie.

Her session ended with Q/A.

Second Session (Day Two):

The second session of the 2nd Day was delivered by Adv. Ashish Sonawane, (Lawyer, Mumbai High Court) on “Case Studies of various companies such as General Motors, Apple Vs Samsung (about Hardware and software trade claims)”. Dr. Varsha Deshpande welcomed Adv. Ashish Sonawane and requested him to start the presentation.

In his speech Adv. Ashish Sonawane spoke about the development in economy, globalization, trade liberation which requires comprehensive IP policy to improve efficiency and reduce product cost so that reputation of Indian product will enhance. He gave some guidelines as,

- Investment in research
- Use of Information Technology
- Management practices
- Developing creative and appealing designs
- Effective marketing of product and services.

Then he discussed why IP policy is necessary as IP is intangible property so there should not be any kind of exploitation of human intellect. Policy must be formed to maintain its significance. There should be an IP audit carried out in every organization to encourage employees to register their ideas and to check whether existing IPs are properly maintained.

Adv. Ashish Sonawane also stressed upon the importance of Franchise and Licensing agreements so that curb exploitation of Intellectual property. In concluding remark, he said “Institutes must take positive steps to create awareness and ensure that the Intellectual Properties must be protected.

Third Session (Day Two):

Prof. Dr. Jyoti Bhakare, (Head, Department of Law, Savitribai Phule Pune University, Pune) delivered the last session of the 2nd Day on “Intellectual Property Rights in E-Commerce”. Prof. Dr. Prashant Sathe introduced and welcomed Prof. Dr. Jyoti Bhakare and requested her to start the presentation.

In her speech Prof. Dr. Jyoti Bhakare said that E-Commerce is a method of conducting business through electronic means rather than through conventional physical means. We avail services through online platform from where payment facilitation, supply chain and service management are getting tracked.

Then she said that IP refers to a property that arises from human intellect. IP includes but is not limited to proprietary formulas and ideas, inventions (products and processes), industrial designs, and geographic indications of source, as well as literary and artistic works such as novels, films, music, architectural designs and web pages.

After that she spoke on Copyrights in E-Commerce. It is a right which grants protection to the unique expression of ideas, not the idea itself. Copyrights protect the content of both, websites and the material transmitted over those websites. Computer generated graphic symbols, screen displays, graphic user interfaces (GUIs) and even Web pages may be protected by industrial design law. The hidden aspects of the website (such as confidential graphics, source code, object code, algorithms, programs or other technical descriptions, data flow charts, logic flow charts, user manuals, data structures, and database contents) can be protected by trade secret law.

Then she shared some issues related to Intellectual Property Rights in E-Commerce such as designing a platform / content creation through a third party, use of third party content on website, hyperlinking, framing, etc. Clarifying ownership is very important.

She also spoke about the Uniform Domain Name Dispute Resolution Policy (UDRP) which was adopted in 1999 to protect trademark owners and legitimate domain name registrants, and for effective fight and prevention against cybersquatting (with less cost, shorter duration, etc.). UDRP is limited to cases of abusive registration of domain names.

The program ended with the Concluding Remarks by Dr. Seema Purohit (Principal, BMCC, Pune).