

A brief report on the
“Seminar on IPR & Patenting”
(16th June 2016)

Introduction

In today’s globally competitive environment, intellectual property has placed itself on a pedestal in the context of economic growth and is becoming increasingly important. Intellectual Property (IP) is the fuel that powers the engine of prosperity, fostering invention and innovation. The increasing significance of intangible assets in the global economy is forcing business organizations to actively manage their IP as a key driver for building and sustaining their competitive advantage and achieving superior performance.

On the above backdrop, JECRC University organized a Seminar on Intellectual Property Rights and Patenting” on 16th March 2016. The focus of the seminar was to promote the creation, protection & enforcement of the Intellectual Property Rights amongst various stakeholders.

IP has gained center stage and has attained more focus, more attention and is a subject matter of discussion between government, institutions, industries under various regimes and protocol that are put in place to ensure that the world in which we live, where knowledge and innovation are the engines of development and growth. In that world, those who have the creative minds and ability should feel assured that not only their efforts have been duly recognized but it is secured in a specified manner.

It is also important to promote intellectual property licensing practices, particularly, with a view to foster creativity, innovation and the transfer and dissemination of technology to developing countries and least developed countries. India should share its IP for the betterment of other nations as done in the past. There has to be both free transfer of technology which will address the challenge of climate change and also transfer of recourses to poor countries.

Enforcement of IP rights is another major area which deserves serious mention in the policy. There should be effective enforcement of the IP laws so that the issues of piracy and counterfeits which results in huge losses to various industries can be mitigated. The only EOW that we have in Delhi is not sufficient enough to deal with IP crimes happening in across the country. Hence capacity building activities must be carried out with vigor to enhance the IP enforcement in the country and to make India a destination for international IP Filings.

The other various issues addressed at the seminar are briefed below:

Commercialization of assets

IPRs play a crucial role as the legal vehicle through which either the transfer of knowledge or the contractual relationship is affected. Alternatively, knowledge may be exploited in-house, in which case the role of IPRs is to block imitating competition.

Commercialization can be defined as the process of turning an invention or creation into a commercially viable product, service or process. Commercialization may require additional R&D, product developments, clinical trials or development of techniques to scale-up production prior to taking the results of research to market. This is important because not all inventors or creators wish or have the resources, skill and appetite for risk to commercialize their own inventions or creations. Public research organizations (PROs) usually fall into this category.

Resources required

Converting an original or new idea, concept or design to a desired product available in the marketplace requires:

- Time
- Funds (own or borrowed)
- Creative effort
- Innovative effort (own, of employees and of external collaborators, partners, advisors and consultants)
- Persistence
- Focused management of the entire process from idea to market.

Conditions necessary to obtaining a commercial return

To obtain commercial returns from IP, certain conditions must exist. These include inter alia:

- The existence of a customer or the ability to create customers; and
- An entity controlling the manufacture and sale of the resulting products.

Legal vehicles for the commercialization of IP

There are two chief legal vehicles by which owners may commercialize their intellectual property (apart from in-house exploitation):

- To sell or assign the IP; and
- To license the IP rights.

Assignment or sale

When rights are assigned (other than partially), the recipient or assignee acquires ownership of all rights which previously belonged to the assignor, although the assignor may take a license back from the assignee. This can be done between two independent parties, but it can also be done on an internal level and form part of employment agreements and agreements with consultants or contractors. Assignments of intellectual property rights can be done either via sales or via transfers, i.e. with or without direct financial compensation.

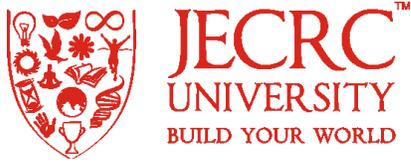
Licensing

Licenses allow patent owners to share inventions or other intellectual property in a controlled manner and to receive revenue (e.g. royalties) or other benefits (e.g. access to another firm's knowledge). A patent for example is licensed when the owner of the patent (the licensor) grants permission to one or more entities (the licensee(s)) to use the patented invention for mutually agreed purposes in a mutually agreed manner. In such cases, a licensing contract is generally signed between the two parties, specifying the terms and scope of the agreement. In some countries, intellectual property laws require licensing agreements to be registered with the national registry.

IPR enforcement as a pre-condition for successful commercialization

In entering into an intellectual property transaction, one of the most important assessments to be made relates not only to the validity and market-relevance of the asset but also the capacity to protect and enforce the IP. Once the new product is offered for sale and if it is successful in the market, it is likely that competitors will attempt to make a competing, cheaper product with identical or similar features. This may lead to undue financial pressure, particularly if the organization or partners have invested significantly in R&D for creating the product. This is where, in order to sustain a burgeoning enterprise, it is so important that the parties have recourse to the effective enforcement of IPRs.

The exclusive rights granted by patents give the owner the opportunity to obtain from the national courts one or more injunctions to prevent or stop the infringing activity. In addition to a final or permanent injunction restraining infringement, the patent owner and complainant may seek a temporary injunction on an urgent basis, pending a final trial, if it is suffering unquantifiable damage and acts without delay. It is also possible to obtain orders to have the infringing goods seized and destroyed and to obtain information as to the persons from whom the defendant obtained the supplies of the infringing material and the persons to whom the defendant in turn has supplied the infringing material. Courts also have the power to effectively freeze the defendant's assets, thus preventing them from being removed from the jurisdiction or from being used up prior to the full trial. If and when the case goes to trial, the complainant then has the opportunity to claim damages or compensation for lost profits. In the alternative, following an injunction, the patent owner may be able to persuade the infringer to negotiate a licensing agreement for use of the invention. Whichever alternative is used,



the opportunity for the patent owners or exclusive licensees to enforce their rights when they are advised that the invention is being copied is critical to maintaining their competitive edge, market share and profitability.

Followed by a Q & A round amongst the audience the seminar winded up with a Vote of thanks given by Dr. Sanjay Sharma, Associate Dean Research, JU.



A brief report on the
“Workshop on IPR and its applications”
(21st - 23rd March 2017)

Intellectual Property is the term given to the productions of original intellectual or Creative activity. It is a tangible or communicable result of literary, artistic and scientific endeavor and can be intellectual, material or cultural products. Intellectual Property Rights (IPR) are the legal rights that exist in those productions. India has become a member of the global patent regime by signing TRIPS and recently the Madrid protocol but awareness and proficiency on the subject in academic Institutions is still scarce. The amount of money spends on R&D in India every year is very huge while the patents filed in India by locals is only 20% of the total filed Patents. The root of the problem is unawareness among researchers which is Leading to a huge economic loss of country. Lack of IPR knowledge does not affect Students in their education field only but also in their work or job field. University Scientists and students are required to observe confidentiality in relation to such Information although of course as a University our prime purpose will always be the dissemination of information and the building of our research base.

In view of above a one day awareness workshop on “IPR & Patenting”, has been Conducted at JECRC University, Jaipur on 21st March 2017 (Tuesday) - to – 23rd March 2017 (Thursday).

The program included discussions on importance of IPRs and their protection, Identification of IP, advantages of IP, Patenting procedures and time lines, Patentable and non-patentable inventions, patent informatics, prior art searches, Patentability assessment, trademark and copyright protection, issues of do’s and Don’ts for a researcher in the context of publishing and patenting and patentability Issues in biotechnology.

Trademark and Designs, delivered Technical address on “Intellectual property Rights in India”, wherein the participants were made aware of importance of IP, Types of IP, IP activities carried out by IPO, trends of patent filing in India and Abroad and **success stories on capitalizing of IP**. This created a thrill among the Audience and was very much appreciated by the participants.

Vote of thanks was given by Dr. Ram Rattan, Provost and Dean Research, JU.