

Ref: The Times of India, Wednesday, 02.03.2016

TAX REGIME ON PATENT INCOME SLACKENED



Finance ministry in its endeavor to enhance innovation in India has introduced as special "Royalty Tax". The companies shall be liable to pay only 10% on the income from the global commercialization of the Patent which are developed and registered in India as against 30%.

This is aimed at augmenting research and development as well as providing a ease of conducting business in India. The said benefit is across all sectors including pharmaceutical and the corporates, innovators as well as legal experts are also appreciating the same. This might also help in mitigating brain drain and keeping IP protection and regime in India only.

Ref: The Economic Times, Wednesday, 02.03.2016/ The Times of India, Wednesday 30.03.2016

APPLE WINS IN HACKING ORDER



Establishing a precedent, a federal magistrate Court denied the application of the US Government to instruct Apple to extract the date from an I-phone which was used in a drug case in New York. The Court has upheld the privacy stance of Apple.

Although the Court has stated that the All Writs Act cannot be misused by its wide ambit, however for law enforcement and issues relating to terror attacks and other heinous crimes the enforcement mechanism has to balance out between privacy, safety and legal implementation.

A federal magistrate judge on Monday denied the U.S. government's request that apple extract data from an iPhone in a drug case in New York, giving the company's pro-privacy stance a boost as it battles law enforcement officials over opening up the device in other cases. However, the US Justice department declared that it had unveiled a way to unlock Apple I Phone without any aid from Apple which shall facilitate and assist the enforcement agencies in its investigation. This shall end the contentious battle between Apple and Government agencies and shall also pave way towards better investigation.

Ref: The Times of India, Friday, 04.03.2016
SUN PHARMA LAUNCHES 'PEPMELT'



Sun Pharma is launching an Ayurveda based remedy for digestive issues under the brand "PepMelt". This shall be in direct competition with Eno, Pudina Hara and Gelusil products. After the acquisition, this product shall have the advantage of utilising the expertise as well as enhance customer base with this new product. The ideology of the consumer is for demand of Ayurveda based products thus Pepmelt shall have an edge over the others accordingly.

Ref: The Times of India, Sunday, 06.03.2016
COPYRIGHT ON COLOUR

Sculptor Anish Kapoor has registered copyright in blackest of black colour called Vantablack and thus owns the creative rights in the same. Although the shade was developed by UK based firm, Nano systems to held disguise satellites, the copyrights are with Mr. Anish Kapoor. This kind of exclusive rights and protection of a unique colour might be the key of Pandora box but the implementation and legal enforcement shall be an absolutely different terrain altogether. We shall witness the same as well and the legal precedents shall continue to clarify and clear the air in these matters.

Ref: The Economic Times, Wednesday, 09.03.2016

GOVERNMENT TOWARDS PROMOTING INDIGENIOUS ARTWORK MADHUBANI



Department of Commerce along with Geographical Indications Commission in its endeavor to promote indigenous handicrafts is intending to launch their sale through e commerce portals. These creations include but are not limited to products like Madhubani Painting, chanderi fabric, Darjeeling tea amongst others. The concept of offering these products for sale through online mechanism shall reduce the levels of middlemen and enhance profits for the creators as well. The move shall aim at amalgamating emporium websites, rural development banks as well as tie ups with e commerce players subject to apt protection of the GI. This year the policies for the same should be formulated by the government for implementation at the earliest.

Ref: The Times of India, Wednesday, 16.03.2016

AMAZON FILES PATENT FOR PAY WITH SELFIE!



Amazon the pioneer in E commerce has recently filed a patent wherein the technology is of completing transactions using Selfie instead of passwords. The patent application concerns a method of payment wherein two selfies are to be taken out of which in one the customer/user has to blink, smile or tilt their head to differentiate between real person and picture. This apparently is an improvement in technology stating that selfies are safer than facial recognition softwares. Along with the ecom giant, Mastercard also confirmed that it can accept selfie and fingerprints for verification and completion of transactions.

This move would take the online retail sector to an escalated level but at the same time would require quite a lot of security and privacy checks so that the information is not stored or misused to the detriment of the individual in any manner whatsoever.

Ref: The Times of India, Saturday, 19.03.2016
IPRS NOT LEGALLY AUTHORISED TO ISSUE LICENSE FOR EVENTS



The Delhi High Court while adjudicating a matter upheld that Indian performing rights society was not a competent authority under the Copyright Act to issue license or obtain fees from any event/media organizer for the songs/compositions of singers. The Delhi high court on a matter filed by the singer artist Chitra Singh condemned the act of IPRS for issuing license or charging fees for a charity concert. IPRS withdrew its petition in the Court. The music industry is extremely vulnerable to such acts as the societies for licensing are not streamlined yet and also there are numerous organizations making tall claims and people fall prey to the same. There is need for stringent and categorical guidelines so as to safeguard the interests of artists, composers and singers and also balance access to songs for purposes of fair use.

Ref: The Times of India, Saturday, 19.03.2016
COMPANY REGISTRATION IN A DAY



Ministry of Corporate Affairs with facilitation and assistance from Company Secretaries and its tie up with Infosys shall enable users to register company (except LLP) in One day. This move shall be a welcome step towards the ease of doing business in India. The MCA in its

endeavor to ensure expeditiousness has moved the facility to the Centralised processing of Incorporation at Manesar centre instead of ROC office, reduced the number of rules and automation steps to 26 steps. The automation would help all entrepreneurs, professionals as well as government officials. The registrar of companies shall accordingly be able to ensure compliance, implementation and monitoring in a more efficacious manner with this streamlining underway.

Ref: The Economic Times, Monday, 21.03.2016
SCOTCH PROTECTED BY HC



In a move to protect the geographical indication in the traditional whisky brewed from Scotland, from the misfeasance by other competitors, the Delhi High Court restrained companies not to sell brews as Scotch if they were not being sourced by UK registered association of Scotch Producers. The High Court in this matter took cognizance of the well established reputation, quality and goodwill of the liquor being sourced from Scotland, thereby getting a synonymous name for quality whiskeys being termed as Scotch Whisky. The misuse by competitors is a flagrant abuse and thus needs to be curtailed. Scotch whisky was registered as a geographical indication in India in 2009 and accordingly no local distiller can use the term/mark Scotch Whisky on their labels, packaging or for advertising.

Ref: The Economic Times, 23.03.2016
COMPULSORY LICENSING IS WITHIN THE AMBIT OF GOVERNMENT



Ministry of Commerce in its statement has affirmed that the provisions of compulsory licensing are still available for companies or individuals. Further, India being a signatory to TRIPS, is making all endeavour to be compliant with TRIPS. India's first compulsory license was accorded to NATCO against Bayer wherein the government gave permission to NATCO to manufacture the patented drug in India. It is quintessential for innovation as well as need of the public at large to deter companies to exclusively retain rights in form of Patent and not manufacture or market the products at reasonable costs.

Ref: The Economics Times, Monday, 28.03.2016
NATIONAL BUSINESS REGISTER



The Central government has launched the exercise of collecting data on all business enterprises. This move shall conglomerate the details of all kinds of businesses in one database which once legally certified can be used by enforcement agencies as well as customer based in domestic/foreign territories. The Business Register will enlist and bifurcate establishments at the district-level covering seven Acts and authorities, including the Factories Act, the shops and Commercial Establishments Act, the Societies Registration Act, the Khadi and village industries Board and the Directorate of industries. The register will comprise of 33 columns including but not limited to details like name of an enterprise, its location, activities, type of ownership, number of workers, PAN/TAN, etc. This move shall be beneficial and will have multifarious advantages which cannot be comprehended at this stage.

Ref: The Economics Times, Monday, 28.03.2016
CDSO CHECKING AT SITES



The Central Drugs Standard Control Organisation (CDSCO) shall soon start checks at the manufacturing sites of pharma units without any prior intimation. This move is in line with the inspection process of FDA. It is to ensure that only quality products which are duly approved are launched into the market. The regulatory agency demands stricter regime as ensuring quality of pharma products is an ongoing challenge. CDSCO shall enhance its work force and maintain guidelines for all the inspection teams and accordingly action shall be taken against defaulters.

Ref: Bio Smart Brief, Monday, 28.03.2016
DUKE U OBTAINS DRUG DELIVERY RIGHTS



Phase Bio Pharmaceuticals Inc. has entered into an agreement with Duke University wherein the exclusive rights of drug delivery technology relating to treatment of Cancer patients has been of commercialization and development for other applications have been retained by them.

Ref: The Fashion Law, Friday, 24.03.2016
EDIE PARKER V/S BOX BAG



Recently, a Court in New York upheld the copyright and trademark rights of fashion designer Edie Parker. The rights in the creation being the stylized clutches with unique designs were the registered copyright of Edie Parker and the infringer has been restrained from using the same/similar designs. Further the court has also penalized the piracy with monetary damages to the tune of USD

100,000 in favor of Edie Parker. This shall widen the basis of IP enforcement in the arena of fashion.



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