

### **MOBILE AIRBAG**

**Ref: The Sunday Times, Sunday, 01 July 2018**



Recently, a student of Germany - Philip Frenzel has innovated a mobile case which contains sensors that get activated in case of a freefall and releases springs which protect the phone when it falls. The student has registered the Patent for the same and thus protected his intellectual property rights on the product and has also been accorded an award from the German Society of Mechatronics. The product being termed as AD (Active Dampening) and apparently the commercial applications and use shall be global.

### **PAINLESS INJECTURES INNOVATED**

**Ref: The Times of India, Monday, 02.07.2018**



Researchers at the Indian Institute of Technology (IIT) Ropar, Bharat Bhushan and Navin Kumar collaborated with the scholars of Ohio State University Dev Gurera and combined their expertise and knowledge to develop a technology of painless micro - needles. The concept has its basis on mosquito bites. The published paper discusses the concept in detail and the product is yet to be developed. The micro needles envision one needle with two small needles inside, one would inject an agent and second inject the medicine or draw sample. Though, the pricing and launch in the market shall take time, still

the technology would be helpful for patients who fear pain of injections.

### **VIRTUAL CURRENCIES BAN UPHELD**

**Ref: Mint, Wednesday, 04.07.2018**



With effect from July 6, 2018, Reserve Bank of India has issued a circular prohibiting banks as well as financial institutions from dealing with any kind of currency like Bitcoin/Cryptocurrency. The circular was assailed in the Hon'ble Supreme Court, who refused to stay the same. The banks have been provided a stipulated period of 3 months to settle account with the users. However, the stance of RBI was upheld that despite its caution notices people were dealing with the same and thus this circular was critical.

### **MEDICAL NEGLIGENCE COSTS**

**Ref: The Times of India, Monday, 09.07.2018**



In a case of medical negligence, the Delhi Consumer Disputes Redressal Commission found that the doctor was negligent in performing the surgery of the patient as he wrongly operated on the left foot instead of right. The surgery was for treatment of polio - related deformity and the forum awarded compensation of Rs. 10 Lacs. The judgment would be a followed precedent as the Forum has clearly stated that obtaining of a consent form by the family, does not absolve the medical fraternity to be negligent regarding the body part to be operated. However, the stance of the Doctor regarding the judgment to treat

the better foot first was not considered by the Forum.

**LIVE JUDICIAL PROCEEDINGS**

**Ref: The Economic Times, Thursday, 10.07.2018**



Can a litigant know exactly what happened in their matter or is it only on the basis of what their lawyer states? Recently, the Supreme Court on twin petitions have taken cognizance of the same and issued notice to the Government to map the blueprint for the live streaming of the court proceedings. The CJJ also acknowledged that the courts are overloaded with the litigants trying to enter to see the fate of their case and also this would reduce the crowds therein. We now await the governments' response on the same.

**DUSU V/S BIOFRONTERA INC.**  
**Ref: Mint, Thursday, 12.07.2018**



DUSA Pharmaceuticals has assailed a German pharma company Biofrontera Inc., for infringing the patents pertaining to the topical solutions - Levulan and Kerastick. The company has also alleged trade secret misappropriation and tortuous interference claim basing it on confidential information leak by former employees. The treatment therapy of DUSU is for treatment of non-hyperkeratotic actinic keratosis of the face or scalp and has been duly approved by FDA and has been in the market since 2000.

**GOOGLE IN CCI**  
**Ref: Mint, Friday, 13.07.2018**



Competition Commission of India disdained the averments of unfair business practices against Google pertaining to its Adwords and advertising platforms. The board held that the activities of Google did not violate any of the provisions of the Competition Law. However, the way Google intercepts into the likes and dislikes of an individual syncing data across various sectors and ensuring its adwords are ahead of others might be an issue pertaining to infringement of intellectual property rights and privacy rights.

**COURT RELIEVES H & M**  
**Ref: The Economics Times, Wednesday, 18.07.2018**



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Hennes & Mauritz (H&M) won interim relief from the Delhi High Court with respect to the criminal proceedings initiated against the conglomerate and its directors pertaining to violation of the Legal Metrology (Packed Commodities) Rules, 2011. The Court intervened and stayed proceedings till October 15, 2018. The difference of measurement units

in the garments being packed and sold by the unit was the issue to be adjudicated. However, the act and its enforcement and implementation in light of the various MNC's entering into India might require amendments to be in uniformity with laws of the other countries.

**DISHA AWAITED BY HEALTH MINISTRY**  
**Ref: The Economics Times, Monday,**  
**23.07.2018**



The Privacy law and the Justice Sri Krishna committee recommendations are awaited even by the health sector. The Ministry of Health had put out a draft of the 'Digital Information Security in Healthcare, Act (DISHA)' in March this year so as to ensure compliance with the privacy of data of the patients being stored in electronic health devices. It also advised for establishing a National Digital Health Authority and health information exchanges. However, the ministry has decided to further proceed only after the report and recommendations from the committee are issued. Once the same comes, the legislation shall be revised and then introduced in the Parliament.

**PATENT FILING RATIO INDIA V/S ABROAD**  
**Ref: The Times of India, Tuesday,**  
**24.07.2018**



Its' alarming that despite the start-up benefits and immense awareness in the field of Intellectual property rights, only 2.9 of every 10 patents is being filed in India by Indians as per 2016-17 data. As per the renowned scientist, India lacks the ecosystem for intellectual property protection. The top positions for filing are by US, Japan and China

in India. However, in the current dynamic scenario we are coming across the increase in the number of patents being filed by Indians and are hopeful that the numbers proliferate. The data and statistics of the 2017-2018 might give a better feedback on the effect of the policies and environment for Patent recognition, registration as well as enforcement.

**ASTRAZENECA V/S DR. REDDY'S**  
**Ref: The Economics Times, Wednesday,**  
**25.07.2018**



AstraZeneca has initiated legal action against Dr. Reddy's Laboratories for infringing its patent rights over the product Brillinta, its heart ailments drug. Dr. Reddy's had sought to launch the generic version of the product under the brand Ticaflo, which had been restrained by the Delhi High Court till July 31, 2018. AstraZeneca states that the drug can be manufactured by others only after all patents expire and come in public domain. On the other hand, Dr. Reddy has accused the company of misusing the ever-greening concept of Patents to monopolize the market. The decision which is pending will be imperative for the judicial implication of ever-greening of patents.

**PREVENTION OF CORRUPTION ACT AMENDED**  
**Ref: Mint, Wednesday, 25.07.2018**  
**Prevention of Corruption**  
**Amendment Bill 2018**



The hanging sword against corruption under the nomenclature of Prevention of Corruption Act has been recently amended by the Parliament. The prosecution under this law would now require a prior approval before initiating action against the public servants

including bank official accused of the offence. Also, the amendment would now punish both the people who give bribe as well as take bribe. The amendment has been sought so as to safeguard honest officials who are serving the public at large and also to revive the credit market in India. The stipulated time of 2 years has also been prescribed for decision of the case. However, the enforcement and implementation would bring to fore the ease or hurdles in the statute.

**KITKAT LOSES PROPRIETARY RIGHTS OVER 4 FINGER SHAPE**

**Ref: The Economics Times, Thursday, 26.07.2018**



Nestle S.A. has failed to register the shape of its Kit Kat 4 finger shape trademark in European Union. The long drawn battle has been finally decided by the European Union Court of Justice, which has remanded the matter to the authorities to re-examine the same under strict parameters. The courts stated that the four finger shape is not distinctive and thus the litigation which lasted for almost 16 years might not even be beneficial for the company. The mark was registered by EIPO but was challenged by Mondelez International Inc. Now, again for the EIPO to determine the same would probably not reap favourable results.

**NORWEST INVESTS IN KISHLAY**

**Ref: Mint, Thursday, 26.07.2018**

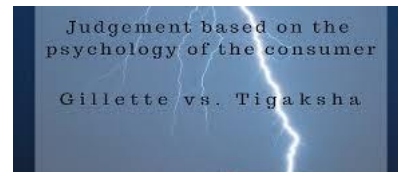


Kishlay Foods, the renowned snack maker of Northeast India has recently been accorded approval of funding of around USD 15 million from Norwest Ventures Partners and Intensive Software Services. The company has a high brand value with its products ranging from

biscuits to dry snacks, potato chips under the brand name "Non-Stop", "Kishlay" & "Mamooz". The expansion has been sought to extend operations in other parts of India including North and east India. The company is positive about its product and commercial profits in a short span of time.

**GILLETTE V/S TIGAKSHA METALLICS**

**Ref: SpicyIp, 25.07.2018**



The Hon'ble Delhi High Court granted an ex parte ad interim injunction to protect the trademark of the Plaintiff - Gillette Company. The defendant company Tigaksha Metallica Private Ltd was allegedly using the deceptively similar trademark for its same products and thus infringing the rights of the plaintiff. The brand of the Plaintiff was WILKINSON SWORD and that of the Defendant being ZORRIK TALVAR was held to be deceptively similar. It was held that the use of TALVAR results in an association with SWORD in the minds of the consumer. Justice Endlaw also opined that the presence of ZORRIK, which is phonetically and visually distinct from WILKINSON, does not save the respondents because it is not perceived to affect the association of SWORD and TALVAR. Further, the court also relied on the wording of Section 2(1)(zb)(ii) of the Trade Marks Act, 1999. In the paradigm of similarity, the court extended this provision to render irrelevant the existence of a phonetic difference between ZORRIK and WILKINSON.



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