

IMPARTING KNOWLEDGE ON LATEST CORPORATE LEGAL AND INTELLECTUAL PROPERTY MATTERS

**GSFC WINS TRADEMARK CASE OVER “SARDAR” AGAIN**

**Ref: [thewire.in](https://www.thewire.in), Wednesday, 03.11.2021**



Gujarat State Fertilizers and Chemicals Limited sued Dashrath Patel of Indian Agro Chemicals for infringement of their trademark “Sardar”. The manufacturer had apparently branded its fertilizer as “Sardar Seven Star”. This trademark suit was filed by GSFC as they had registered trademark rights over “Sardar” since the year 1967. The defendants immediately dropped the word “Sardar”. Though this is not the first time that GSFC has got itself embroiled in controversy over usage of words “Sardar”. They sued “Sardar Biochem Fertilizer” few years ago on the same grounds. Sardar Vallabhai Patel popularly known as Iron Man of India belongs to Patidar community in the State of Gujarat and hence Gujarat government’s constant stand has been to protect and secure its rights over the word “Sardar”.

**TRADEMARK ON CRYPTO COIN**

**Ref: [timesnownews.com](https://timesnownews.com), Wednesday, 03.11.2021**



The Delhi High Court refused to grant Tata Sons a permanent injunction restraining Hakunamatata Tata Founders from using trademark “Tata” as part of their name under which cryptocurrency was available. As per the orders of the court, no

sufficient evidence was presented to prove that the defendants intended to target India as their customer base. The defendants in this case had no presence or base in India and were mainly operating in US and UK. Since they are located outside the territory of India hence they also fall beyond the purview of applicability of the Civil Procedure Code or the trademarks Act or any other law in force within the territory of India. Since the digital space has no boundaries, defendant’s cryptocurrency can be purchased from any part of the world using QR code as well as methodology indicated on the defendant’s website. Thus, the court was unable to figure out any malice on the part of the defendant to target customers in India and dilute plaintiff’s brand and trademark name.

**PATENT FOR “METHOD TO DETERMINE STEROID-RESISTANT PATIENTS”**

**Ref: [hindustantimes.com](https://www.hindustantimes.com), Monday, 08.11.2021**



The Department of Nephrology at Sanjay Gandhi Post Graduate Institute of Medical Sciences in Lucknow has received its first patent relating to a method to determine steroid-resistant patients in childhood idiopathic nephritic syndrome by utilizing pharmacogenomic biomarkers. This study has been registered as an innovation patent for a period of eight years. Nephrotic syndrome is a common disease relating to kidneys that largely impacts children and only steroids offer a plausible solution in this condition. This disease can lead to kidney failure as well. There are many children who do not respond to steroid therapy and might also develop resistance to steroids in due course of time. This study will serve to

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identify patients who are less likely to respond to steroids and is the first ever patent in basic science by any clinician of the institute.

**RESPITE FOR RANG DE BASANTI DIRECTOR COPYRIGHT CASE**

Ref:timesofindia.indiatimes.com, Thursday, 11.11.2021



A criminal case for infringement of copyright was registered against film director Rakesh Omprakash Mehra in the year 2008 by a script writer. The script writer claimed to have discussed a script under the name and title “Inquilab” with the concerned director and also given him literature of the film. The same was allegedly used in “Rang de Basanti” which resulted into violation of intellectual property. The court held that the criminal proceedings in this matter are untenable since “Inquilab” was not registered and on account of lack of sufficient evidence no violation of copyright could be proved.

**INTERNATIONAL SECURITY AWARD FOR A HOLOGRAM**

Ref:ihma.org, Thursday,18.11.2021



The International Hologram Manufacturers Association has bestowed an international award on a holographic device that provides improved protection for banknotes against risk of counterfeiting. Key features of this invention include a metallic surface relief motif “flip” effect, colour shifting motifs and animation which have been created through combination of micromirrors and a unique multi-layered coating colour shift technology. Apart from raising banknote security to a high level, this invention has an impressive eye-catching appeal as well.

**GLENMARK GETS EMBROILED IN A PATENT SUIT**

Ref:economicstimes.indiatimes.com, Friday,19.11.2021



Famous British drugmaker GlaxoSmithKline has filed a patent infringement suit against Glenmark Pharmaceuticals with allegations that Vilor F medicine has been infringing GSK’s Indian patent for Vilanterol, an active ingredient. Vilor F is used for treatment of chronic obstructive

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pulmonary disease and has two active ingredients including fluticasone furoate and vilanterol. GSK was granted a patent for Vilanterol in India in the year 2007 and the same is expiring in the year 2022. GSK has sought damages but what needs to be seen is whether at this juncture any action will be taken by courts when the patent is just about to expire and the fact that it has already been around twenty years since this inventive drug has been under protection of laws.

**NEW COPYRIGHT LAW FOR SINGAPORE**

**Ref:asiaiplaw.com, Monday,22.11.2021**

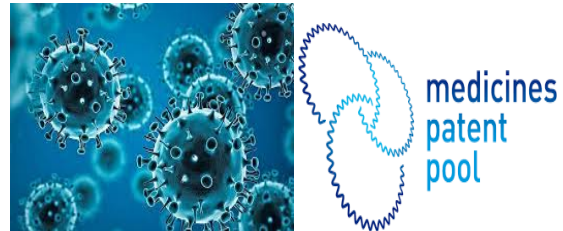


Singapore's New Copyright Act has recently come into force in the backdrop of latest developments and innovations that our world is witnessing in the light of COVID-19 pandemic. How content is created, distributed, used and accessed is the main focus of this legislation. Strengthening the rights of creators and performers as well as giving them more opportunities to commercialise their work has become the need of the hour in the backdrop of technological developments. Under this law there is a concrete obligation on any one who uses or distributes a literary, dramatic, musical or artistic performance in public including on online space to identify the creator or performer. This right will give an impetus to performers and creators to build their reputation in digital environment. Apart from these provisions another highlight of the new law is that it permits use of copyright work for benefit of society under the clause "permitted uses" for instance now teachers and students are allowed to freely use online material for educational activities. Singapore has indeed set an example by quickly undertaking reform in

its IP laws so as to meet the needs of changing society and economy.

**WHO & MPP ANNOUNCE FIRST NON-EXCLUSIVE LICENSE FOR A COVID-19 TECHNOLOGY**

**Ref:who.int, Tuesday, 23.11.2021**



The Covid Technology Access Pool (C-TAP) arm of WHO and Medicines Patent Pool has signed a licensing agreement with for COVID-19 serological antibody technology. This is the first test license signed by MPP which included in the WHO pool and effectively tests presence of anti-SARS-CoV-2 antibodies developed either in response to COVID-19 infection or to a vaccine. This license will ensure there is rapid manufacture and commercialization of this test globally. As of now it is royalty free for low income countries and will be valid till last patent expires. This license ensures that science is indeed utilized for improvement of people's livelihood. Our world that is reeling under the pain and damage done by COVID-19 has a chance to heal if we can all come together in solidarity. If all COVID-19 vaccine, treatments, diagnostic developers can learn from this example, entire humanity would turn the tide on pandemic. This licensing agreement signed with Spanish National Research Council is one such example where decision is made keeping people at the centre. Each country definitely must undertake Intellectual Property Awareness drive where examples like these can be highlighted for valuing innovation along with significance of licensing and Tech transfer in IP.

**SALE DEED VOID**

**Ref: taxguru.in, Tuesday,23.11.2021**



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Supreme Court in the judgment titled Kewal Krishan v Rajesh Kumar and Ors. Clarifying Section 54 of the Transfer of Property Act held that in case a sale deed is executed without payment of any price or incase it does not provide for payment of price on a future date , the sale will not effect transfer of immovable property in the eyes of law. In this case one power of attorney and two sale deeds were executed. The court while observing that the purchaser in this case i.e. the wife of the defendant had no source of income at the time sale deed was executed and respondent taking advantage of transfer of power of attorney in his name transferred the sale deed in the name of his wife and minor son. Hence in this case the court held the sale deeds to be void.

**193 COUNTRIES ADOPT GLOBAL AGREEMENT ON AI**

**Ref: news.un.org, Thursday, 25.11.2021**



All member states of UNESCO adopted a historical agreement for sound and smooth development of AI. AI which has become an integral part of human life is being considered to have significant potential in achieving Sustainable Development Goals Agenda towards 2030 as well as combatting global problems of

climate change, poverty and hunger. At the same time there are many challenges associated with this technology as well. Threat to privacy on account of increasing use of AI assisted technologies by the state as well as dignity and security of human life are increasing day by day. This agreement is being looked as the only hope to provide necessary legal infrastructure to combat the challenges that are being thrown by this frontier technology. Data protection and protection of individual privacy will be main points of focus by all member states.

**DATA PROTECTION BILL**

**Ref: economictimes.indiatimes.com, Saturday, 27.11.2021**



Data Protection Bill that seeks to safeguard individual privacy in the backdrop of pandemic when there is a global transition towards digitalization of economy is a much awaited as well as debated legislation so far. A joint Committee of Indian Parliament has become the driving force for marking a milestone in the history on Indian legislation by adopting final report approximately two years after this legislation was tabled in the Parliament. Striking a balance between individual privacy and state's surveillance power will be a cumbersome task for world's largest open internet market that harbours 800 million internet users. Including within its ambit both personal and non-personal data. The successful implementation of this legislation is what that will decide the outcome of whole process. The report clearly pointing out inefficacy of the Information and Technology laws to cope up with current scenario and the need to regulate social intermediaries. Concern in the financial sector relating to data protection have been raised strongly in the report and cross

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border payments too have been effectively dealt with. Ultimately, protecting and regulating digital space will require joint efforts from government, citizens, policy makers as well as administrative sector. After all, the implementation at ground level is what decides success of enactment process of any legislation.



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