

IMPARTING KNOWLEDGE ON LATEST CORPORATE LEGAL AND INTELLECTUAL
PROPERTY MATTERS

GI TAGS FOR GOA, RAJASTHAN AND UP
Ref: thehindu.com, Wednesday, 02.08.2023



Seven products from across India have been given the Geographical Indication (GI) tag by the Geographical Indications Registry in Chennai recently. The GI tags have been secured by 'Jalesar Dhatu Shilp' (a metal craft), 'Goa Mankurad Mango', 'Goan Bebinca', 'Udaipur Koftgari Metal Craft', 'Bikaner Kashidakari Craft', 'Jodhpur Bandhej Craft', and 'Bikaner Usta Kala Craft'. The application for the mankurad mango was filed by the All-Goa Mango Growers Association, Panaji. The Portuguese named the fruit malcorada, which means 'poor coloured', and with time, it became mankurad *aamo* (mango) in Konkani. The application for the Goan bebinca was filed by the All Goa Bakers and Confectioners Association. At Jalesar in Uttar Pradesh's Etah district, once the capital of Magadha king Jarasandha, over 1,200 small units are engaged in making 'Jalesar Dhatu Shilp', including *ghungrus* (anklets), *ghantis* (bells) and other decorative metal craft and brassware. The Thatheras community, which resides in a *mohalla* (locality) named Hathuras, makes these products. Among the four different crafts from Rajasthan given GI tags is 'Udaipur Koftgari Metal Craft'. According to the documents submitted to the GI Registry, weapons are exquisitely ornamented by a complicated process of etching designs, heating, and then cooling, intertwined with embedding gold and silver wire into the metal, pressing and flattening it to a smooth surface with moonstone, and finally polishing it. The GI tag has also been

secured by the 'Bikaner Kashidakari Craft' traditionally created on cotton, silk or velvet with a variety of fine stitches and mirror-work, mainly for objects associated with marriage, especially gift items. The mirrors are believed to repel the 'evil eye' with their reflective surfaces. The weaving of fabrics by hand used to be done by the Meghwal community in Bikaner and nearby districts.

BRICS STARTUP FORUM TO FACILITATE COLLABORATIONS
Ref: indianexpress.com, Tuesday, 08.08.2023



India will be launching a BRICS startup forum this year to facilitate collaboration and share best practices among investors, incubators. The Startup India initiative of the central government has led to the creation of nearly 100,000 startups in the country and on account of this New Delhi can offer its support to other BRICS members in this segment helping them fulfill the need for digitalization, industrialization, innovation, inclusiveness, and investment.

KARNATAKA CABINET APPROVES CYBER SECURITY POLICY
Ref: www.thehindu.com, Friday, 11.08.2023



The cyber security policy has been introduced in Karnataka as the State with the highest level of Internet penetration in India. Cyber Security

**IMPARTING KNOWLEDGE ON LATEST CORPORATE LEGAL AND INTELLECTUAL
PROPERTY MATTERS**

Policy, 2023, aims at strengthening capabilities of the State government and the IT industry in checking rising cases of cybercrime. The policy envisages participation of local bodies, NGOs, and activists and the government in creating awareness about online banking fraud.

**PROPRIETOR MUST ESTABLISH
'VALIDITY' OF TM FOR RELIEF**

Ref: www.thehindu.com, Thursday, 17.08.2023



The Delhi High Court in the case titled SUN PHARMA LABORATORIES LTD. v. FINECURE PHARMACEUTICALS LTD& ORS., 2023 LiveLaw (Del) 697 has held that proprietorship of registration in respect of a trademark does not ipso facto entitle to the proprietor the right to obtain relief against infringement. Rights to claim exclusivity over the trademark and to obtain relief against its infringement, as envisaged under Section 28(1) of the Trade Marks Act, are conditional on the trademark registration being valid. At the interlocutory stage, the plaintiff is only required to make out a prima facie case and the onus on the defendant, to displace the prima facie case, is heavier than usual.

**ASEAN INTELLECTUAL PROPERTY
REGISTER LAUNCHED**

Ref: - asean.org, Sunday, 20.08.2023



ASEAN, in collaboration with the World Intellectual Property Organization (WIPO), has recently launched the *ASEAN Intellectual Property (IP) Register*. The ASEAN IP Register is a one-stop IP information portal that will incorporate up-to-date IP data from all ten ASEAN Member States maintained by WIPO. It will provide a single portal to access complete sets of ASEAN IP data for all stakeholders to conduct patent, trademark and design searches seamlessly. The ASEAN IP Register is among numerous WIPO's technical projects that provide ASEAN businesses and innovators with access to world-class IP services, chartering a new strategy and a new way for IP commercialization in ASEAN as a region. According to WIPO statistics in 2022, ASEAN experienced an impressive growth in IP applications. Between 2012 and 2022, even amidst the challenges posed by the COVID-19 pandemic, patent and industrial design applications soared by 70% and 80%, respectively. Meanwhile, the number of trademark applications also witnessed a 110% growth. As a result, the WIPO Global Innovation Index 2023 projected that the market value of ASEAN's leading brands surged beyond \$250 billion USD, a strong indication of the surging value of ASEAN's intangible assets.

**LLPS GET MORE TIME TO FILE
ANNUAL RETURNS**

Ref: www.livemint.com, Friday, 25.08.2023



An order has been passed by ministry of corporate affairs for Limited liability partnerships (LLPs) to file key statutory documents, including annual returns, for past years with no additional

**IMPARTING KNOWLEDGE ON LATEST CORPORATE LEGAL AND INTELLECTUAL
PROPERTY MATTERS**

fee or at a concessional fee, depending on how far back they date. The relief comes after some LLPs made a representation to the government about the difficulties they faced in filing three key documents – annual returns, reporting changes of partners, and reporting changes to the LLP's charter. The additional fee is limited to twice the normal fee for small LLPs and four times the normal fee for others. The ministry said the one-time relaxation in additional fees to LLPs that could not file these forms by due date has been offered as part of efforts to promote ease of doing business. The ministry further clarified that disclosure of the LLP agreement and changes to it (in form three) and reporting of appointment of partners (in form four) would be automatically approved, except when there were changes in business activity.

**SUPREME COURT HALTS NRI QUOTA
FOR MBBS ADMISSIONS IN ASSAM
time relaxation, Friday, 25.08.2023**



The Supreme Court has temporarily suspended the implementation of the Non-Resident Indian (NRI) quota for MBBS admissions in Assam. The decision comes in response to a Public Interest Litigation (PIL) filed by an advocate, raising concerns over the reservation of medical seats for NRIs at a cost of Rs 18 lakh per seat. The Supreme Court's order puts a halt to the NRI quota until further deliberation. The Assam government had introduced a groundbreaking measure on June 2023, announcing a 10 percent reservation of seats in MBBS courses for NRI students in medical colleges across the state. However, the move quickly garnered attention and led to a legal intervention. The state government had defended its decision, citing the

need to adapt admission rules due to an increase in medical seats within Assam. Under the proposed NRI quota scheme, 10 percent of the total remaining MBBS seats, following the deduction of quotas such as the 15 percent All India Quota, Central Poll, and Northeastern Council quota, were earmarked for NRI and NRI-sponsored students.

**PARTICIPATION OF NRI, OCI
INVESTMENTS IN INDIAN SECURITIES
MARKET THROUGH FPI ROUTE**

**Ref: timesofindia.indiatimes.com, Saturday,
26.08.2023**



SEBI has proposed allowing increased participation from NRI's and Overseas Citizens of India in the Indian Securities Market through the foreign portfolio investor route while putting in place adequate measures to mitigate the risks emanating from such investments. This has been proposed in order to boost investment by FPI's in India. Under current rules an FPI applicant cannot be NRI or OCI. NRI, OCI and Resident Indian Individuals can be constituents of the applicant after meeting the conditions satisfied by SEBI. To enhance investments in India, SEBI has proposed increased participation from NRI and OCI as constituents of FPI's that are based out of International Financial Service Centers in the country and regulated by International Financial Services Centers Authority. Also, it has been proposed that the criteria that make an FPI liable for granular level disclosures of persons having ownership, economic interest or control in the FPI should be made relatively stricter for such FPI's. FPI applicants desirous of having more than 50% contribution from NRI or OCI must do so with a declaration at the time of seeking registration.

IMPARTING KNOWLEDGE ON LATEST CORPORATE LEGAL AND INTELLECTUAL
PROPERTY MATTERS

**NEW LICENSING AGREEMENTS ON
COVID-19 TECHNOLOGIES**

www.who.int, Tuesday, 29.08.2023



The COVID-19 Technology Access Pool (C-TAP), a multi-stakeholder partnership to facilitate sharing of intellectual property (IP), knowledge and innovations has announced three new licensing agreements acquired through the Medicines Patent Pool (MPP). The agreements include the following licenses to transfer know-how, materials and clinical data needed in different countries: The first being Medigen Vaccine Biologics Corp, the first private manufacturer, offering its patent and know-how for a COVID-19 vaccine that has seen more than three million doses administered across seven countries. The second being Spanish National Research Council (CSIC) sharing a license for a COVID-19 vaccine prototype. The agreement includes plant visits and training, direct assistance and ongoing consultation with recipient manufacturers, including on quality and regulatory matters. The final being The University of Chile sharing its technology for a COVID-19 assay for quantification of neutralizing antibodies. C-TAP was launched in May 2020 by the WHO and the Government of Costa Rica with the support of 44 Member States, UN Development Programmed, Unit aid, UNAIDS, and implementing partners such as MPP. It works under the principles of the Solidarity call to action and was designed to serve as a platform for developers of COVID-19 therapeutics, diagnostics, vaccines and other health products to voluntarily share their intellectual property, knowledge, and data to

accelerate technological innovation and expand global production capacity. Addition of the three new licenses now provides an important boost to the overall effort. C-TAP has also established a Technology Access Pool database that provides a searchable repository. With a principle of transparency, this publicly available database will support coordination and will link to other data sharing platforms where clinical, regulatory, patent, and manufacturers data is available for selected technologies. WHO is preparing to share findings of the review of C-TAP and a proposed model for an evolved technology access pool. Stakeholders will have an opportunity to provide comments on a concept paper including the process and timelines for its implementation.

**PERSISTENT REFUSAL TO WAIVE
COVID -19 VACCINE IPR VIOLATIVE OF
NON DISCRIMINATION GUARANTEE**

Ref: ohchr.org, Thursday, 31.08.2023



The UN Committee on the Elimination of Racial Discrimination has called on State parties in the global North- Germany, Switzerland, the United Kingdom, Northern Ireland and the United States of America, to forgo intellectual property rights on COVID-19 pandemic protections, vaccines, treatments, or healthcare technologies to fully respect human rights. In a decision adopted under its early warning and urgent action procedures, the Committee expressed its concern that COVID-19 remains a serious public health issue with devastating negative impacts that are falling disproportionately on individuals and groups vulnerable to racial discrimination, in particular people of African or Asian descent, ethnic

**IMPARTING KNOWLEDGE ON LATEST CORPORATE LEGAL AND INTELLECTUAL
PROPERTY MATTERS**

minorities, Roma communities and Indigenous Peoples. The Committee stressed that the persistent refusal to agree to a waiver of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) raises concerns regarding the obligations of State parties under the International Convention on the Elimination of All Forms of Racial Discrimination and the obligation to guarantee non-discrimination. It urged State parties to prioritize human rights concerns and to incorporate strict human rights guarantees, including a mechanism that commits governments to suspend intellectual property rights in a health crisis, in the draft pandemic prevention, preparedness and response accord currently under negotiation at the World Health Organisation. CERD's early warning and urgent action procedures, under the International Convention on the Elimination of All Forms of Racial Discrimination, primarily aim to consider situations that might escalate into conflicts in order to take appropriate preventive actions to avoid full-scale violations of human rights.



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