

ORGANIZERS : NIRC of ICSI

TWO DAYS CAPACITY BUILDING WORKSHOP FOR
PRACTICING COMPANY SECRETARIES

18.08.2012

FORE-NOON SESSION : REALISTIC OPPORTUNITIES IN IPR



PRESENTED BY : AJAY GARG, CORPORATE COUNSEL & LAWYERS

OPPORTUNITY GALORE FOR COMPANY SECRETARY

**Following are the person who may
be TM attorney-**

- **Advocate**
- **Graduate**
- **A member of Institute of
Company Secretaries of India**
- **Any fit & proper person**

AJAY GARG
Corporate Counsel & Lawyers



HOW TO BECOME TM -ATTORNEY

- **Apply in Form TMA- 1.**
- **Furnish necessary information**
- **A TM attorney will be a Copyright Attorney**



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Corporate Counsel & Lawyers

IPR & POOLS OF PROFESSIONALS



CA ?

MBA ?

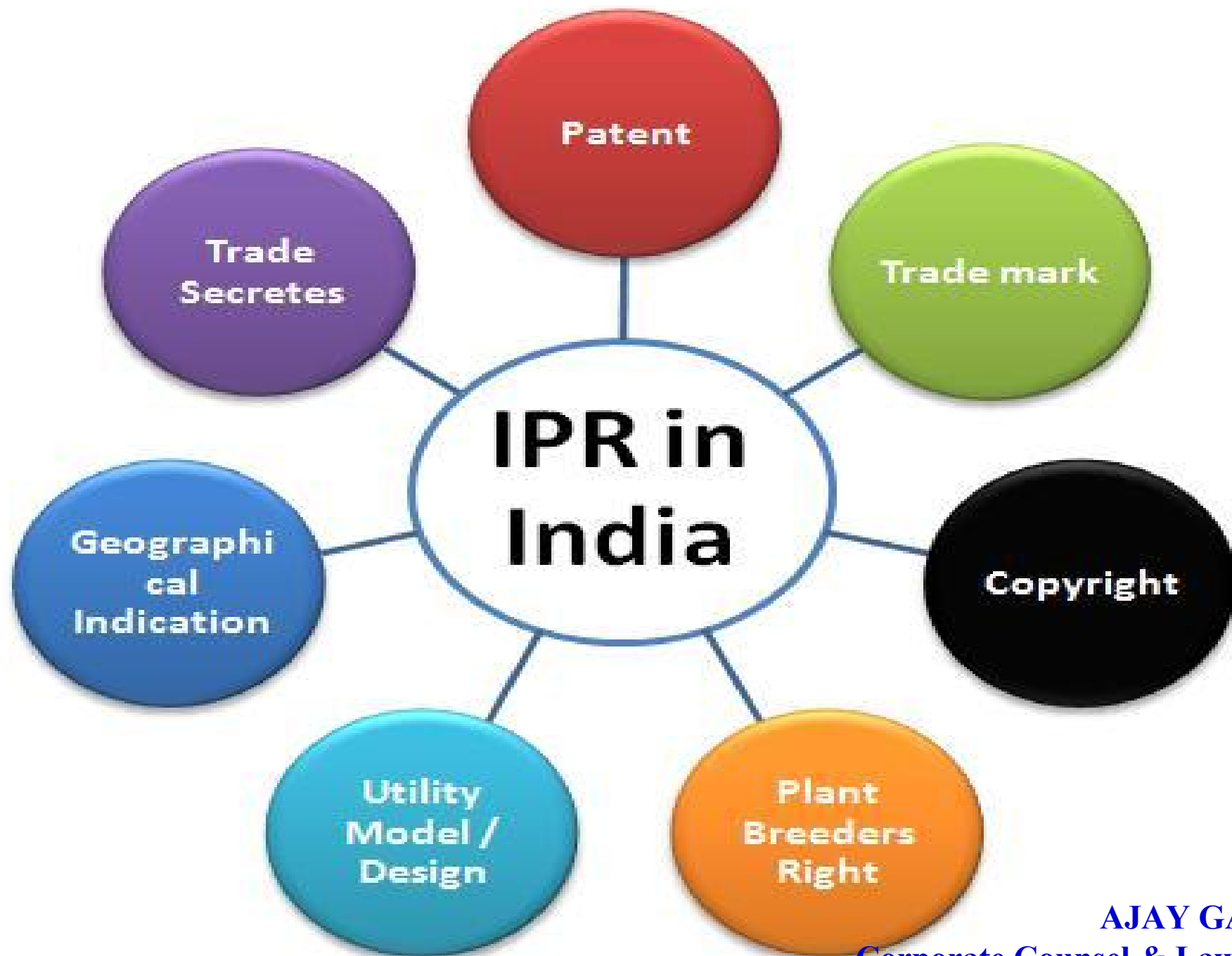
CFA

Advocate ?

CWA ?

CS...

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Corporate Counsel & Lawyers



IPR RELATED LAWS

TRADE MARK ACT , 1999

COPYRIGHT ACT , 1957

PATENT ACT , 1970 (2005)

DESIGNS ACT , 2000

**GEOGRAPHICAL INDICATION OF
GOODS ACT, 1999**

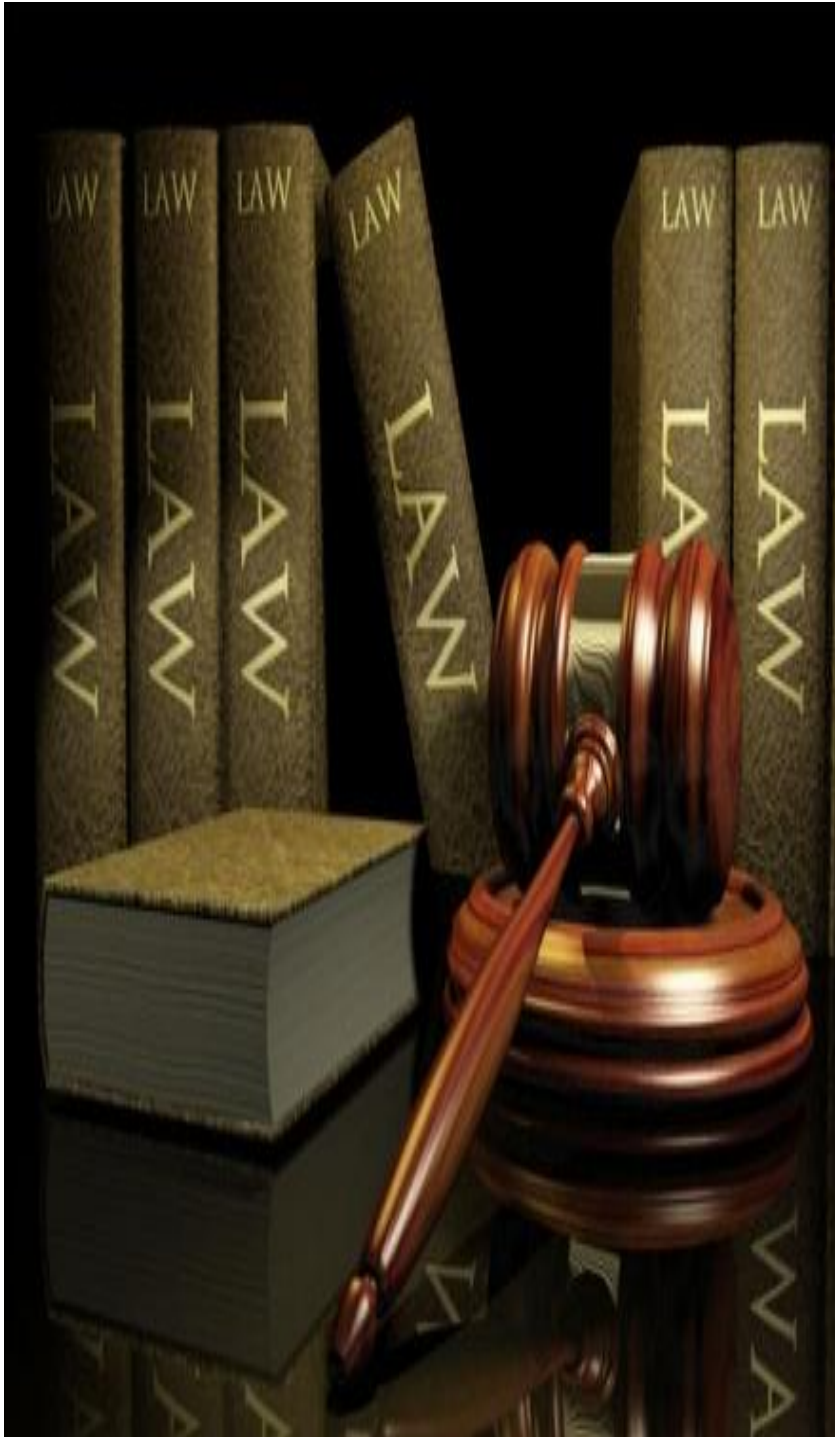
BIOLOGICAL DIVERSITY ACT , 2002

**PROTECTION OF PLANT VARIETIES &
FARMERS' RIGHT ACT , 2001**

**SEMICONDUCTOR INTEGRATED
CIRCUIT LAYOUT DESIGN ACT, 2000**

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TRADEMARK IN INDIA



Trade Mark

KNOW YOU RIGHT

PRESENTED BY : AJAY GARG, Corporate Counsel & Lawyers

TRADE MARK (TM) BASICS



Act	:	Trade Marks Act, 1999
Rules	:	Trade marks Rules 2002
Classes	:	Goods and Services
Goods Classes	:	Fourth Schedule (Class 1-34)
Services Classes	:	Fourth Schedule (Class 35-45)
Forms	:	Second Schedule
Forms	:	Third Schedule (to be used by Registrar)
Fees	:	First Schedule
Website	:	www.ipindia.nic.in
Main Office	:	In Mumbai

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TM- RELEVANT OFFICE

Competent administration	Ministry of Commerce Dept. Of industrial Policy & Promotion Controller General of Trade Marks Trade Marks Registry
Web site Address	www.ipindia.nic.in
Address	Trade Marks Registry, Delhi Intellectual Property Bhavan, Plot NO.32, Section 14,Dwarka, Delhi
Telephone	011-28082915/ 16/17
Telefax	01128032381
Jurisdiction	State of Jammu & Kashmir, Punjab, Haryana, UttarPradesh, Himachal Pradesh, Union Territory of Delhi and Chandigarh

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TM REGISTRATION CERTIFICATE


GOVERNMENT OF INDIA
व्यापार चिन्ह रजिस्ट्री
TRADE MARKS REGISTRY

क्रमांक
 No. **302008**

व्यापार चिन्ह अधिनियम, 1999
TRADE MARKS ACT, 1999
व्यापार चिन्ह के रजिस्ट्रीकरण का प्रमाणपत्र, धारा 23 (2) नियम 62 (I)
Certificate of Registration of Trade Mark, Section 23 (2), Rule 62 (I)

व्यापार चिन्ह संख्या/Trade Mark No. **1812639** दिनांक/Date **29-05-2001** ज.संख्या/Serial No. **MEGA-2**
 यह प्रमाणित किया जाता है कि निम्न प्रकार चिन्ह की समस्तुति इसके मातृ संस्थान है, जो
 के बारे में विस्तार: नाम से रजिस्ट्रीकृत हो चुका है।

Certified that the Trade Mark / a representation is annexed hereto, has been registered in the name(s) of
HARJEET SINGH BHATIA, TRADING AS SANXIN ELECTRICAL PVT. LTD, 58 KIRTI NAGAR, INDUSTRIAL AREA, NEW
DELHI-22, MANUFACTURERS AND MERCHANTS.

In Class **9** Under No. **1812639** as of the Date **29-May-2001** in respect of
ELECTRICAL GOODS / MCB/STARTER/SWITCHES INCLUDED IN CLASS 9.


SANKIN

PHOTOCOPY
 Not Original

मेरे निदेश पर आज _____ के _____ नाम के _____ से दिन को इस पर मुद्रा लगायी गई।
 Sealed at my direction, this: **July 30,** _____ day of **2004**

व्यापार चिन्ह रजिस्ट्री, मुंबई।
 Trade Marks Registry, Mumbai

व्यापार चिन्ह रजिस्ट्रार
 Registrar of Trade Marks

Registration is for 10 years from the date of application and may then be renewed for a period of 10 years and thereafter for each period of 10 years.
 This certificate is not for use in legal proceedings or for claiming registration abroad.
 धारा 23 (2) अधिनियम के अन्तर्गत यह चिन्ह रजिस्ट्रीकृत हो चुका है।
 Note: - There may be change of ownership of this Trade Mark, or change in address, or the principal place of business or address for service in this application should
 AT ONCE be made to register the change.

TRADE MARK DESIGNING



Tips to be remembered:

- Creativity**
- Fonts**
- Color Scheme**
- Tagline**
- Combination of picture and words**
- Dictionary words / Coined words**
- Geometrical Shapes**

TRADEMARK DESIGNING- EXAMPLES

❖ WORD MARK

Microsoft
ESPN
DISNEY



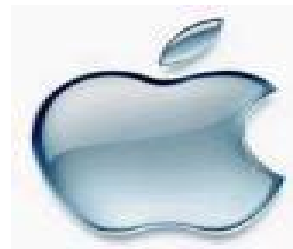
❖ LOGOS, PICTURES OR DRAWINGS



❖ SLOGANS

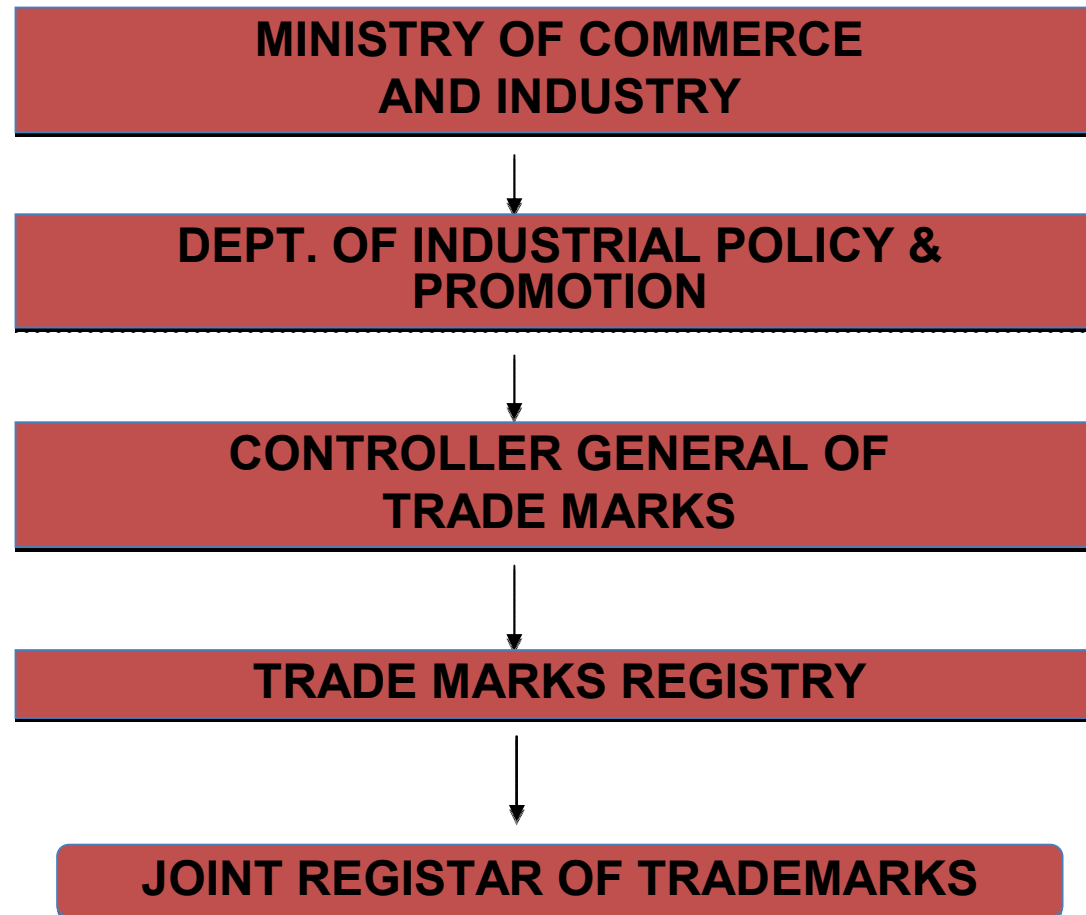


❖ PRODUCT SHAPES

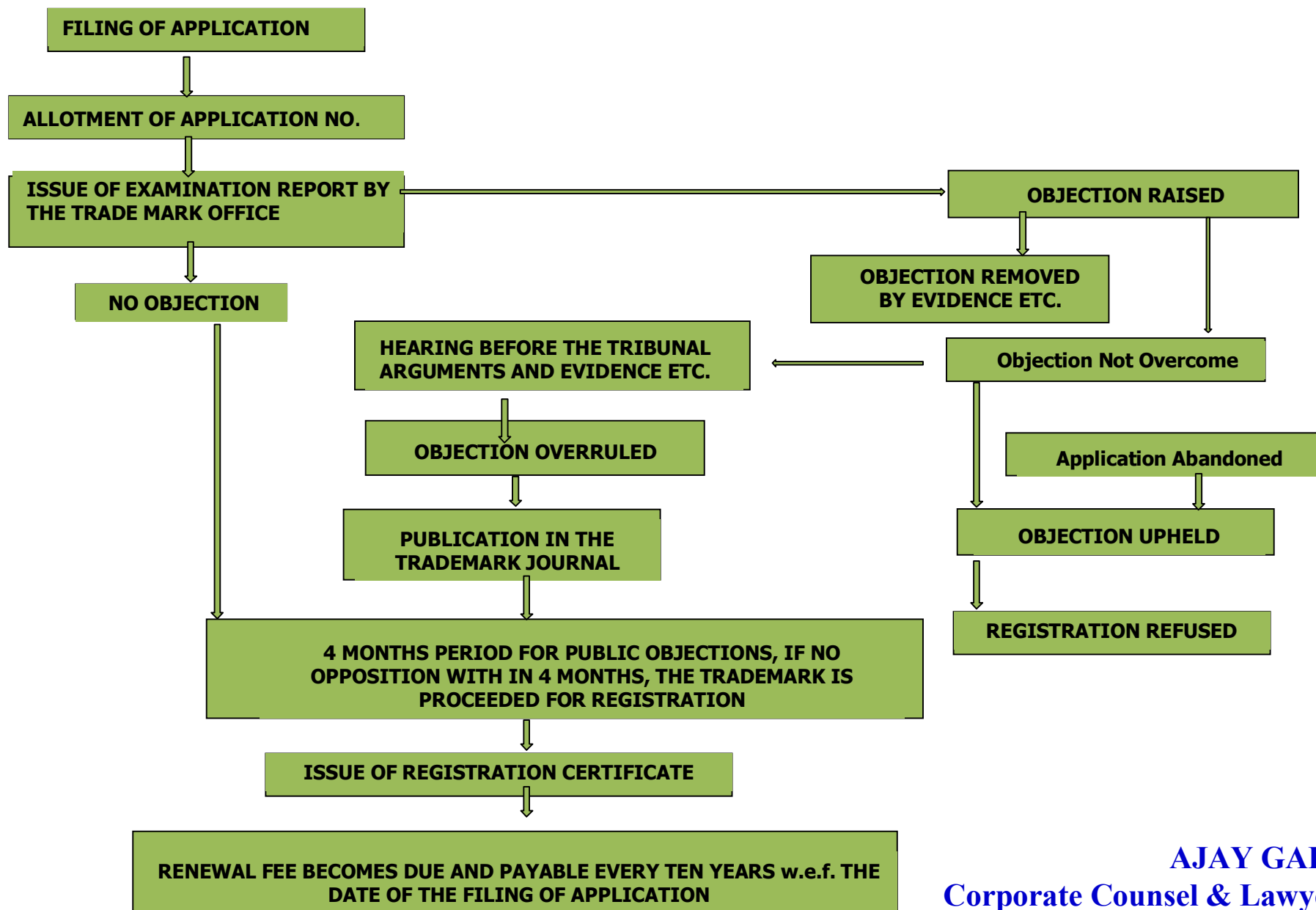


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TM - ORGANIZATIONAL STRUCTURE



PROCEDURE FOR REGISTRATION OF TRADEMARK IN INDIA



10
years

DURATION AND TERMS **OF TRADEMARK**

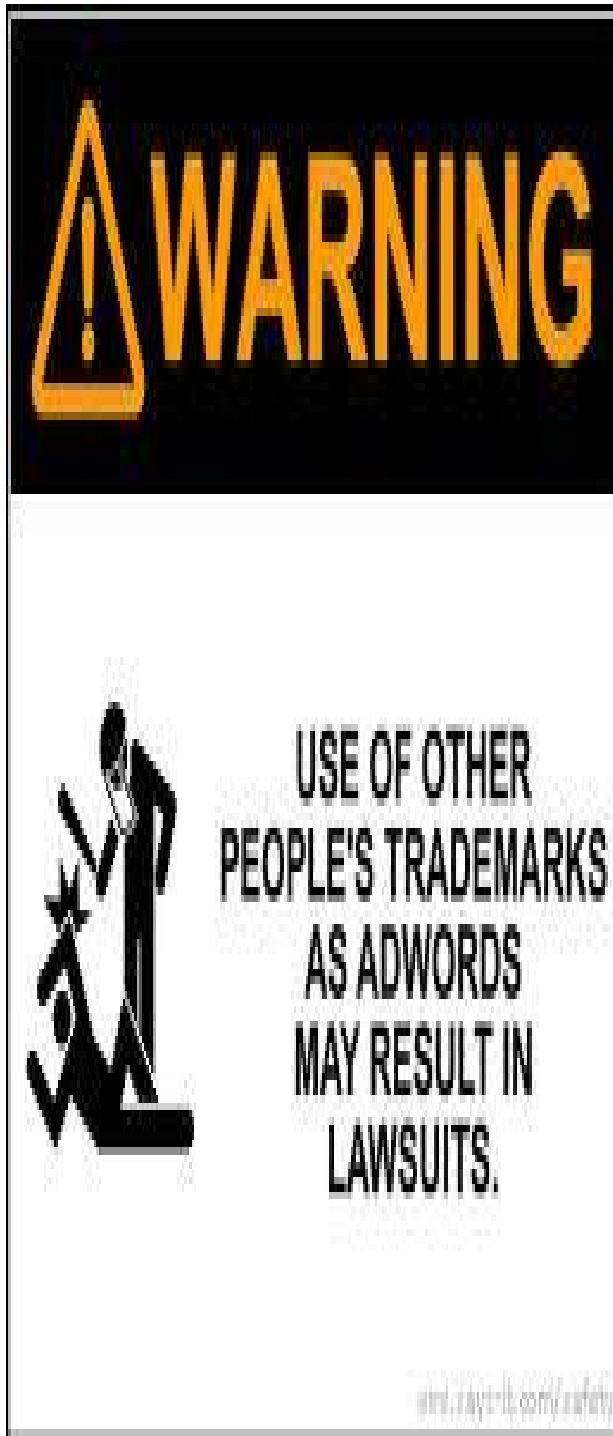
- Initially for 10 Years.
- Can be renewed for further 10 Years
- Can be subsequently renewed time and again.

TRADEMARK REMEDIES **AGAINST INFRINGEMENT**

1. **INFIRNGEMENT ACTION :**

- > Injunction . ex-party or interlocutory order
- > Damages or Account of Profits.
- > Impounding of unused labels / destruction of the same
- > Order for delivery of the infringing labels;
- > Seizure and confiscation;
- > Penalties

2. **PASSING OFF**



TM - E- FILING

**E-filing is provided by the
Trade Mark Authorities :**

- **TM Search**
- **New Application**
- **www.ipindia.nic.in**



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Corporate Counsel & Lawyers

COPYRIGHT IN INDIA



KNOW YOUR RIGHT

PRESENTED BY : AJAY GARG, Corporate Counsel & Lawyers

COPYRIGHT BASICS

Act	:	Copyright Act, 1957
Rules	:	Copyright Rules 1958
Main Office	:	Delhi
Forms	:	Schedule I
Fee Structure	:	Schedule II
Ownership of Copyright	:	First ownership defined differently for different categories
Website	:	http://copyright.gov.in/

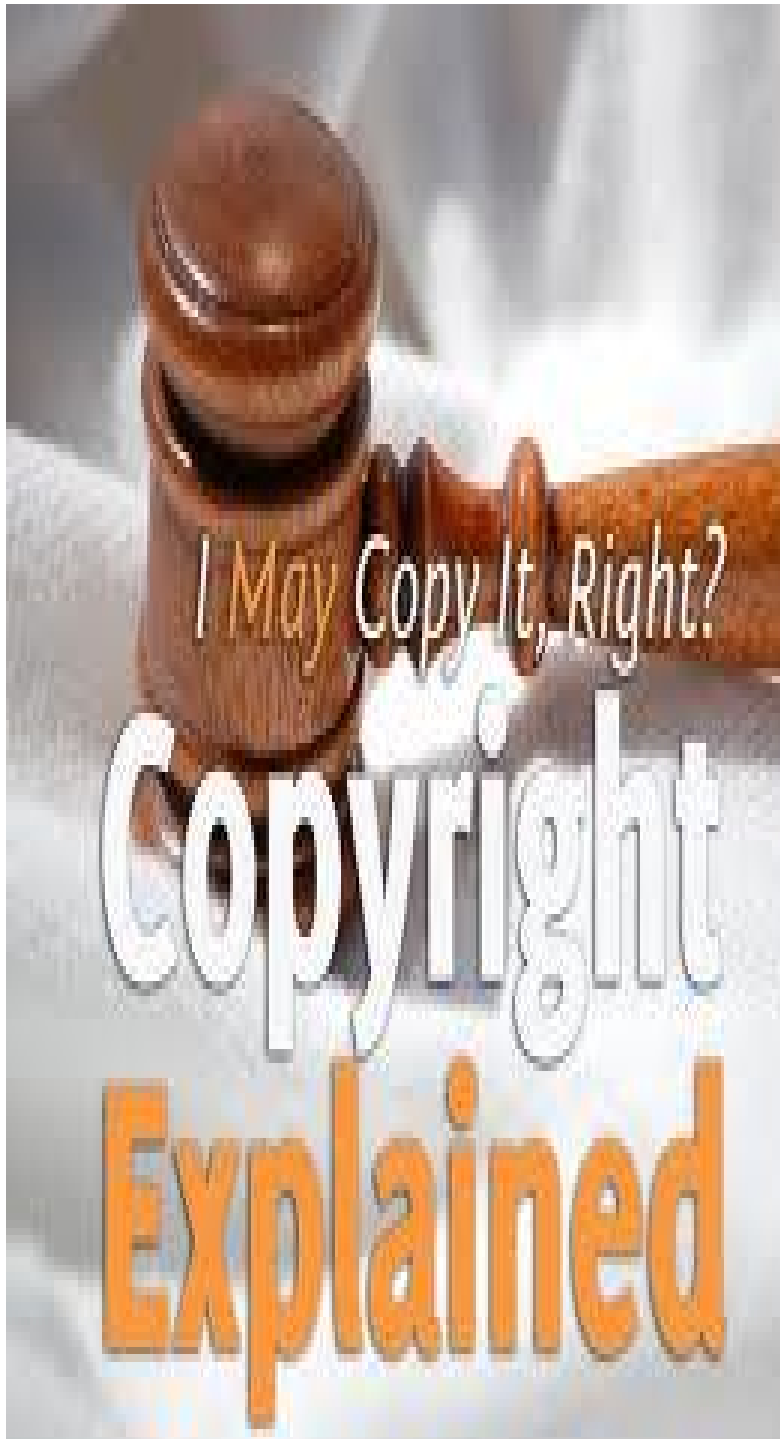
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COPYRIGHT REGISTRATION CERTIFICATE

Government of India Copyright Office Extracts from Register of Copyrights		
1. Registration No:	A-77622/2006	Dated: 13/11/2006
2. Name, address and nationality of the applicant:	FAM INDIA PVT. LTD B-99-FF COMPLEX, OKHLA INDUSTRIAL ESTATE, NEW RANBAXY, N. DELHI - 110 020 INDIA	
3. Nature of applicant's interest in the copyright of the work:	OWNER	
4. Class and description of the work:	ARTISTIC	
5. Title of the work:	AUTO DIP-AUTOMATIC DIPPER & ROAD SAFETY DEVICE (LOGO & DEVICE)	
6. Language of the work:	ENGLISH	
7. Name, address and nationality of the author and if the author is deceased, date of his decease:	DR. B.K. BHAIRMA SAME AS IN COLM 2 ABOVE INDIAN	
8. Whether the work is published or unpublished:	PUBLISHED	
9. Year and country of the first publication and name, address and nationality of the publisher:	2004 INDIA SAME AS IN COLM 2 ABOVE	
10. Years and countries of subsequent publications, if any, and names, addresses and nationalities of the publishers:	NIL	
11. Names, addresses and nationalities of the owners of various rights comprising the copyright in the work and the extent of rights held by each, together with particulars of assignments and licences, if any:	SAME AS IN COLM 2 ABOVE	
12. Names, addresses and nationalities of other persons, if any, authorised to assign or licence of rights comprising the copyright:	SAME AS IN COLM 2 ABOVE	
13. If the work is an Artistic work, the location of the original work, including name, address and nationality of the person in possession of it. (In the case of an architectural work, the year of completion of the work should also be shown)	SAME AS IN COLM 2 ABOVE	
14. Remarks:	A COPY OF THE WORK IS ANNEXED WORK NOT TO BE USED IN RELATION TO ANY GOODS.	
Diary No.	5223/2006-CO/A	
Date of Application:	06/10/2006	
Date of Receipt:	09/10/2006	
	DEPUTY REGISTRAR OF COPYRIGHTS	
	 	

WORKS PROTECTED **UNDER COPYRIGHT LAW**

1. Artistic work
2. Cinematograph work
3. Sound recording
4. Dramatic works;
5. Musical work;
6. Original literary work



ORGANIZATION STRUCTURE OF COPYRIGHT IN INDIA





COPYRIGHT OFFICE

<i>Competent administration</i>	Copyright Division Department of Higher Education Ministry of Human Resource Development Government of India
<i>Web site address</i>	http://copyright.gov.in/
<i>Address</i>	4th Floor, Jeevan Deep Building, 1 & 2 Parliament Street New Delhi, 110001
<i>Telephone</i>	(91 11) 233 41 739 (91 11) 233 62 436 (91 11) 233 81 894 (Dr. Shri G.R. Raghavender) (91 11) 233 82 436 (Dr. Suresh Chand)
<i>Telefax</i>	(91 11) 233 84 687
<i>E-mail address</i>	copyright@nic.in

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PROCEDURE FOR REGISTRATION OF COPYRIGHT IN INDIA



ASSIGNMENT



“ In writing,

“ Signed.

“ Should identify the work with royalty

“ Specify the rights assigned, duration and territorial extent.

“ Rights should be exercised within a period of 1 year.

“ If period not stated-then deemed to be 5 years.

DURATION AND TERMS **OF COPYRIGHT**

Copyright protection lasts for 60-year from the year following the death of the author of the works mentioned below:

- Literary work
- Dramatic work
- musical work
- artistic work





COPYRIGHT REMEDIES **AGAINST INFRINGEMENT**

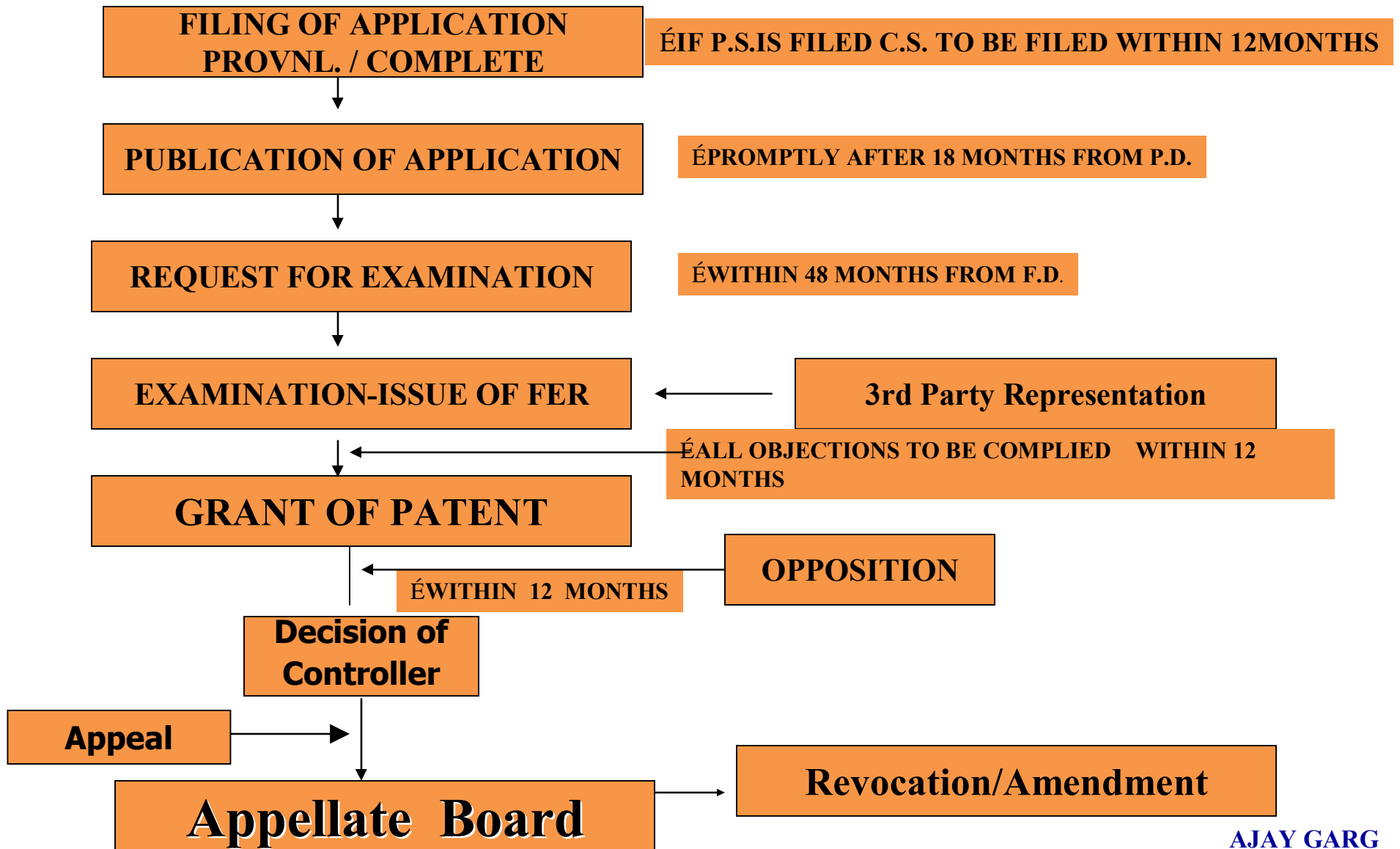
- **Injunctions whether interim or final.**
- **Damages.**
- **Criminal Action**
- **Imprisonment**

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PATENT ACT - SALIENT ISSUES

- EXCLUSIVE MARKETING RIGHT
- NEW INVENTION
- TERM OF PATENT (20 YEARS)
- IS IMPROVEMENT PATENTABLE
- METHODS / PROCESSES OF MANUFACTURE - PATENTABLE

STAGES - FILING TO GRANT OF PATENT



SCOPE OF REFERRAL **PRACTICE**

- Needs to connect with other professional.
- Moving successfully into less travelled territory.
- Always bring admiration and accolades.
- Be always in touch with colleagues, friends and professional friends.



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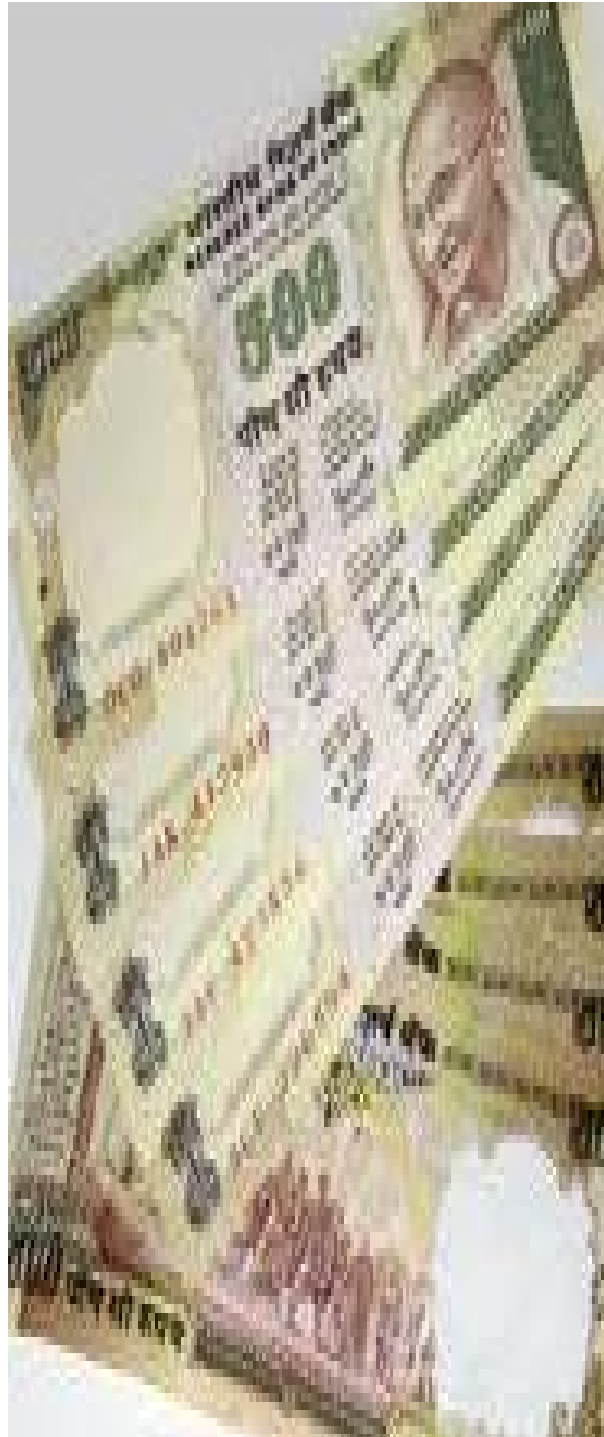


PROFESSIONAL OPPURTUNITIES

ACTIVITY	INDICATIVE FEES
LEVEL - I	
SEARCH	5,000 Rs.
TEMPORARY REGISTRATION	10,000Rs.
DEPARTMENTAL OBJECTION	20,000Rs.
PERMANENT REGISTRATION	5,000Rs.
LEVEL - II	
OPPOSITION AGAINST NEWAPPLICANT	50,000Rs.

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CONT.....



RENEWAL	50,000 Rs.
RESTROATION	50,000Rs.
LEVEL -III	
INFRINGEMENT	???Lacs
VALUATION	???Lacs
DEPARTMENTAL OBJECTION	??? Lacs

AJAY GARG
Corporate Counsel & Lawyers

THANK YOU ONE & ALL



Ajay Garg

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