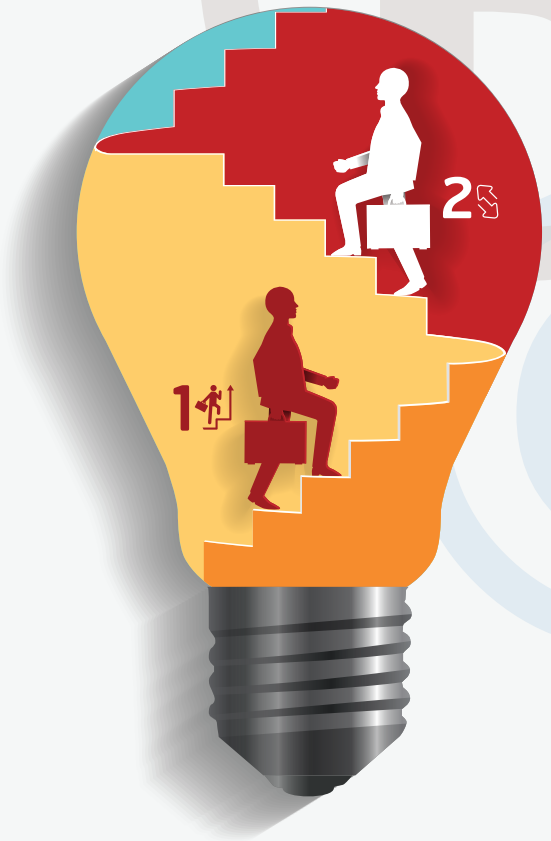
Handbook

On Intellectual Property Rights for

START-UPS & INNOVATORS



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Handbook on Intellectual Property Rights for START-UPS and INNOVATORS

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PREFACE

INTELLECTUAL PROPERTY RIGHTS (IPR) is a colloquial that hardly needs an introduction. It encourages creators and innovators to invest in their ideas. IPR has two faces – on one side it protects the right of intellectuals and eventually promotes their new creations or inventions, while on the other side it promotes the monopoly of the creator also. However, we need to look upon how we can generate more useful "Intellectual Property" so that protecting it becomes more worthwhile. IPR have a profound influence on the social, economic and technological progress.

India has an entrenched legal framework to work out a compelling IP ecosystem. The Govt. of India has taken several initiatives by introducing various policies for startups and entrepreneurs to stimulate a dynamic, vibrant and balanced Intellectual Property Rights system in India. The Govt. of India, introduced introduced "National IPR policy" in the year 2016 is a vision document that aims to create and exploit synergies between all forms of Intellectual property (IP), concerned statutes and agencies. These changes in the IP regime of India imparted special benefits for Start-ups, Innovators and Entrepreneurs. These also reflected developments at the Indian IP offices with enhanced transparency, digitization, fast procedures, more examiners and easy and early foreign filing license to start-ups.

We got inspired to introduce this handbook for start-ups and Innovators which highlights the benefits imparted to them in the current Intellectual Property Regime. Thus this book elaborates on the types of Intellectual Property, significance of Intellectual Property for Startups and how startups & Innovators can take benefit from the existing National and State IP policies.

As India is gearing to become an Innovation Economy and to improve India's ranking in global cross-country comparative indices- Let us join hands and work towards better IP reforms and IPR Enforcement in the Journey of "Innovative India, Creative India."

The comprehensive work would not have been possible without constant guidance and directions by our senior member and founder Mr. Y.J. Trivedi. A special gratitude to him for his continuous advice and suggestions to optimize the contents of this book.

All Gujarat Innovation Society (GIS) is extensively working in the field of Innovation and have provided great support to us throughout the journey of this book. There has been several mentors including Chairman of GIS who has been supportive to design this book. Our Special thanks to Team GIS.

Contents:

1. Start-ups: Concept and Approach

A startup (or startup-up) is a company typically in the early stages of its development. A startup or start-up is an entrepreneurial venture which is a newly emerged business venture that aims to meet a marketplace need, want or problem by developing a viable business model around products, services, processes or platforms. A startup is a new business venture designed to effectively develop and validate a scalable business model. Generally, a company is considered as a startup for its initial 7 years and in case of biotechnology based startups, it is for initial 10 years.

STARTUPS IN INDIA:

A startup is an entity, private, partnership or limited liability partnership (LLP) firm that is headquartered in India, which was opened less than 7 years ago (and in case of biotechnology based startups, was opened less than 10 years) and have an annual turnover less than Rs 25 crore. To be eligible as a startup, the entity should not be formed by splitting up or reconstruction and its turnover should not have crossed Rs 25 crore during its existence.

Eligibility:

To become eligible as a startup and get a green signal from the Inter-Ministerial Board, the entity should be the one which aims to develop and commercialize, a new product or service or process or a significantly improved existing product or service or process that will create or add value for customers or workflow. Products, services or process, which do not have potential for commercialization or is undifferentiated or have no or limited incremental value, will not be considered under the Scheme. To be considered as eligible as startup the entity, should be supported by

- A recommendation (with regard to innovative nature of business), in a format specified by DIPP, from an Incubator established in a post-graduate college in India.
- an incubator, which is funded (in relation to the project) from GoI (government of India) as part of any specified scheme to promote innovation
- a recommendation (with regard to innovative nature of business), in a format specified by DIPP, from an Incubator recognized by GoI or
- be funded by an Incubation Fund/ Angel Fund/ Private Equity Fund/ Accelerator/Angel Network duly registered with SEBI that endorses innovative nature of the business or
- be funded by GoI as part of any specified scheme to promote innovation or
- have a patent granted by the Indian Patent and Trademark Office in areas affiliated with the nature of business being promoted

Criteria to qualify as startup:

Following are the criteria which need to be fulfilled by an entity to be qualified as a start-up.

1. The applicant needs to be:
   a) Private Limited company as defined in the Companies Act, 2013 or
   b) Registered Partnership firm registered under section 59 of the Partner-ship Act, 1932 or
   c) Limited Liability Partnership under the Limited Liability Partnership Act, 2002
   d) At present, Non-Indian partnership and Non-Indian limited liabilities qualify as Start-ups only when they are registered in India as "Private Limited Companies".
2. The entity has been founded not more than 7 years ago and for biotechnology based entity which is founded for not more than 10 years.
3. The turnover of the entity in each of the financial year in the last 7 years should be less than INR 25 Crores. The entity should be formed without splitting up or reconstructing a business, which was already in existence.
4. The entity should be working towards innovation, development, deployment or commercialization of new products, processes or services driven by technology or intellectual property.

Current state of startups in India:

Following statistical analysis show current state of startups in India:

1. India is the third largest Startup hub.
2. Average age of startup founders is 28 years.
3. 9% of the total startup founders are women
4. Total tech startups are expected to increase from 5300 in 2016 to 11500 in 2020.
5. Average number of new technology startups has moved from 480 in 2010 to 1000 in 2016. Expected to increase to 2000 in 2020.
6. Majority of startups and investors are from metro cities.
7. Approximately, 50% growth in share of female entrepreneurs in the last 12 months.
8. The number of Private Equity and Venture Capital firms has doubled in the last 12 months

2. Glimpse of Intellectual Property Rights that can be availed by start-ups

The epic Intellectual property right battle of Apple v/s Samsung with regards to patent and design infringement have brought the focus and attention of all the humans on Earth to the Intellectual Property. It is hard to believe that anyone would not have heard about the said case. Even if one does not know what Intellectual Property is, he/she must be aware about the APPLE v SAMSUNG case and the hoax revolving around the payment of fine by SAMSUNG to APPLE through currency coins filled in trucks.

Source : cultofmac.com

The words Intellectual Property must have hit your ears and minds through all these years owing to the rapid rise in awareness amongst the citizens with regards to Intellectual Properties Rights. Infact the reporting in the Newspaper regarding the Intellectual properties sourced from around the world have increased, by which the readers have come to terms with the concept of Intellectual Properties. But still an average citizen lacks clarity regarding what Intellectual property is and the types of it. However things are rapidly

changing and India is levitating towards the strong and up to date IP regime where people are becoming aware about the importance of Intellectual Property especially business entities. You as a Start Up may also have heard aboutTrademark, Patent, and Copyright and must be aware about the few basics of it. However lack of precise knowledge about Intellectual Property often confuses as to what gets protected under which IP domain and how?

Some very basic misconceptions about IP amongst people.

I want to patent a business idea.

I want to patent my drawing.

I want to copyright my invention.

I need to protect the sculpture I prepared under Copyright.

Lack of proper knowledge and advice can lend you loosing up your Intellectual Property.

Thus it is imperative that before you understand the importance of Intellectual Property for your Start up. You need to understand few basics about the Intellectual property first.

Intellectual property (IP) refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce. This is the definition as provided by WIPO (World Intellectual Property Organization) which is a United Nations specialized global body that works for the protection of the Intellectual Property Rights throughout the world.

The word "property" can be classified in two types i.e. Tangible (which can be touched or felt) or Intangible property (which cannot be touched). The

Intellectual Property (IP) is an Intangible asset or property which is an outcome of one's creativity and possesses a value. The Intellectual property deserves to be protected like any other tangible or intangible, movable or immovable property because the IP possesses a specific value which increases with time on the basis of how well you protect it and nurture it.
There are four major types of Intellectual Properties which can be described as below:

Idea + Innovation + Invention = PATENT

Idea + Quality + Identity = TRADEMARK

Idea + Appearance = DESIGN

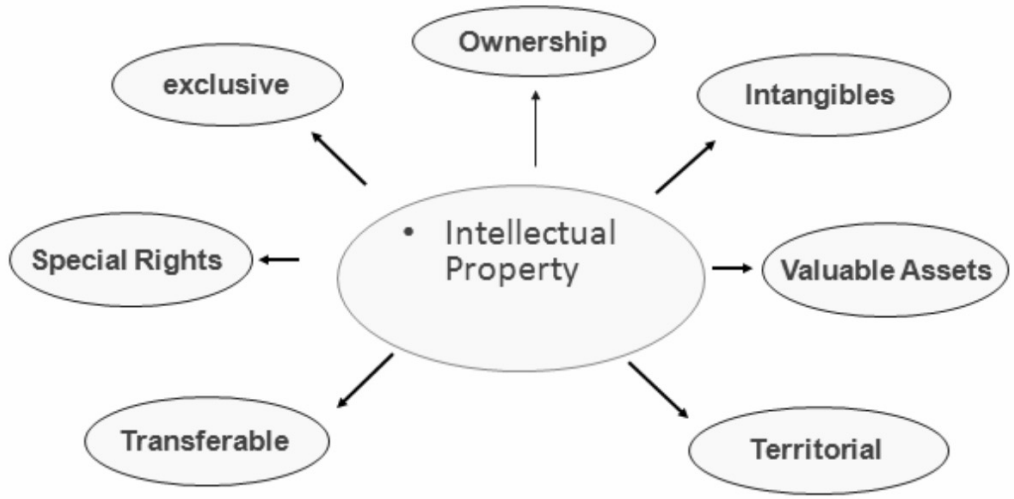
Idea + Expression = COPYRIGHT

The other types of Intellectual Properties are Geographical indication, Integrated circuits, Plant varieties protection.

The Intellectual property just like any other property can be registered on the name of the owner similarly as if the Ownership over the land is registered as a Title with the Registrar or Sub registrar's office. The Intellectual Property that is created or invented by the person can be registered before the various Government bodies that have been created specifically for each IP.
The owner of the Intellectual Property (IP) i.e. the one who created the Intellectual Property can get the IP registered on his/her name before the Government Authorities and thus can prevent others from exploiting or using the IP in an unauthorized manner. Hence it is important that you must identify as well as protect your IP and must take every possible step to ensure that you exploit your IP and stop others from exploiting it.

Following are certain important characteristics of Intellectual Property :

CHARACTERISTIC OF IPR



Said forms of Intellectual Properties are discussed with specific examples herein below:

Ownership: The intellectual properties can be owned by the person/business entity just like any asset.

Intangible - The intellectual property is intangible (cannot be touched)

Valuable asset : It is indeed valuable and requires to be protected and if not, then it may get stolen.

Exclusive : It is owned and can be exploited exclusively by the owner of the Intellectual Property.

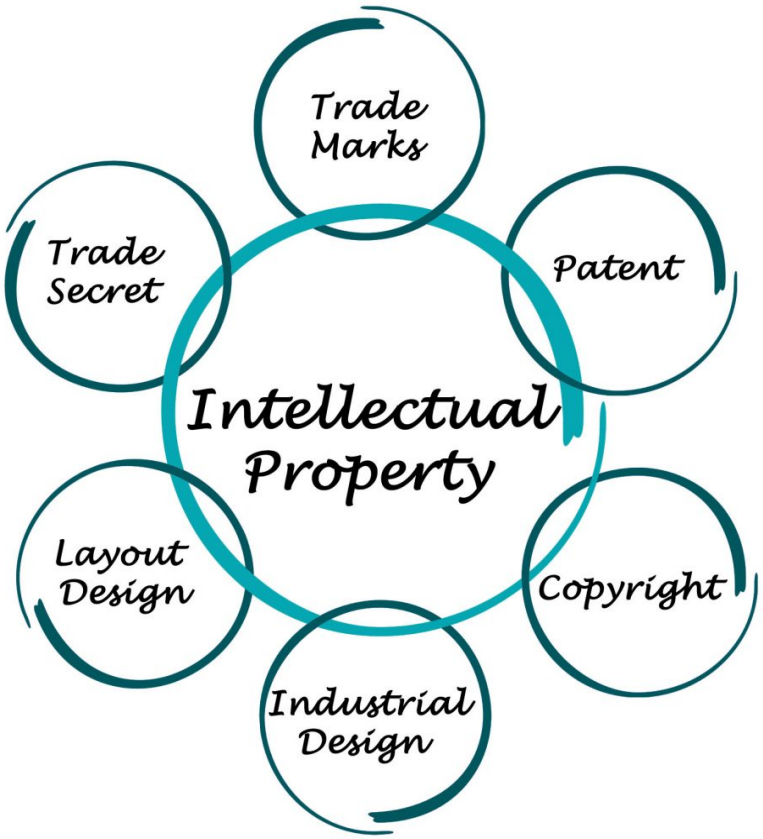
Transferable : The Intellectual Property just like any other property can be licensed to someone in return of royalty and the Intellectual Property can also be sold off for consideration to be paid by the Assignee to the Assignor.

Territorial rights : The intellectual property once registered on the name of the owner before the appropriate Government agency, it provides territorial rights to the owner to utilize the said IP for the specified term exclusively within the Territory where the Intellectual Property is registered. The copyright is the exception to the above characteristic of Territorial rights.

Special Rights : The registration of the Intellectual property provides exclusive rights to the owner to exploit the said intellectual property by excluding others. The rights also confer the owner of the Intellectual property, a right to take legal actions against the unauthorized persons which uses the intellectual property without the consent of the owner.

Thus the said characteristics aptly explains that the Intellectual Properties are as important as an immovable property as it possesses all the features of a valuable property and thus needs much more stringent and vigilant legal protection.

The various important types of Intellectual properties which are required to be understood by the Start ups are as follows:



A. PATENTS

A Patent is an intellectual property right relating to inventions and is the grant of exclusive right, for period of 20 years, provided by the Government to the patentee, in exchange of full disclosure of his invention, for excluding others, from making, using, selling, importing the patented product or process producing that product for those purposes.

Patents ensure property rights for the invention for which patent have been granted, which may be extremely valuable to an individual or a Company. One should make the fullest possible use of the Patent System and the benefits it provides.

Patent right is territorial in nature and a patent obtained in one country is not enforceable in other country. A patent simply gives the owner grounds to prevent infringement through legal means. By itself, a patent cannot stop someone from making or using an invention; it simply gives the patent owner the right to take the person to court if they do promotion of technological innovation.

Why Patent?

- The purpose of patents is to encourage inventors to make an investment in time and money in research and development by providing exclusive rights for a limited time in exchange for an early public disclosure of the invention.
- Without a protection their invention can be accessed by any third party and benefited by the exploitation.
- When a patent is granted it excludes others from using, selling, offer to sell, import and any act of exploitation of the patented invention. Even if a potential infringer tries to use the patented the invention the patentee can avail legal help to protect the patented invention.
- Above all these, an inventor can license his invention to a bigger corporate by obtaining a huge revenue.

Who can file?

Patent Application can be filed by

- An Inventor or
- Legal representative; either in guidance of a patent agent or by own.

Where to file?:

Patent application can be file in any of the four offices of the patent in India. Four patent offices in India are at:-

Patent Office	Territorial jurisdiction
New Delhi	The States of Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan, Uttar Pradesh, Uttaranchal, Delhi and the Union Territory of Chandigarh.
Chennai	The States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and the Union Territories of Pondicherry and Lakshadweep.
Mumbai	The States of Maharashtra, Gujarat, Madhya Pradesh, Goa and Chhattisgarh and the Union Territories of Daman and Diu & Dadra and Nagar Haveli.
Kolkata	The rest of India.

Or

The patent application is filed Online on online portal of Indian Patent Office's website.

Eligibility for Patent:

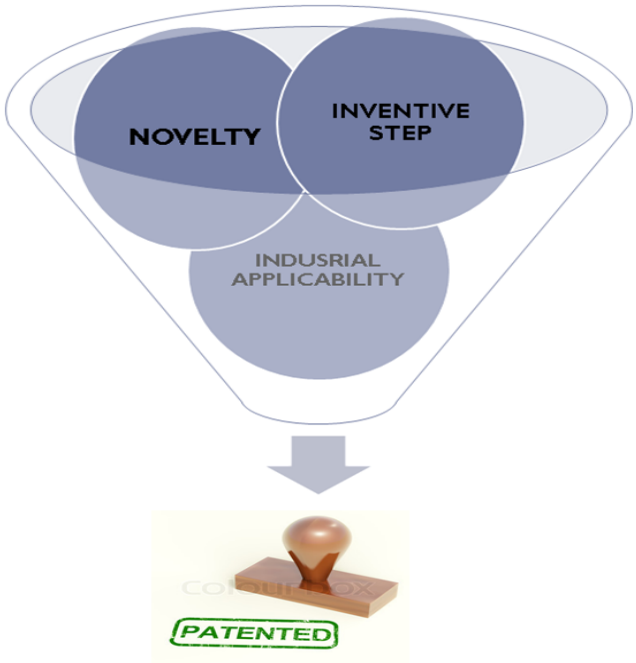
There is a three-part test which determines if an invention is patentable. The tests are:

1. Is the invention useful? (This is a very easy criterion to satisfy - any use will suffice.)

2. Is the invention novel? (The invention must be different in some way from previous inventions.)

3. Is it "unobvious?" (This test is perhaps the most subjective. It is determined by asking the question "Would a person with ordinary skill in the area of the invention, and possessing complete knowledge of the prior art, consider that the invention provides new and unexpected results?")

If the above mentioned three categories get satisfied then one can obtain patent over his invention.



Section 2(j) of the act define "***invention***" under the Indian Patents Act; according to which, an invention is a new product or process involving an inventive step and capable of industrial application." such invention protected under the patent law refers to patented.

Term of Protection:

The term of patent is 20 years from the date of filing; if granted.

Right to exploit the patent:

The patentee enjoys following rights upon grant:

- To prevent 3rd parties, from exploiting the patented invention.
- Right to grant license.
- Power to assign rights or grant license.
- Right to surrender.
- Right to sue for infringement.

Expiry of Patents

A patent expire in following ways:

- It has lived its full term – 20 years.
- Patentee has failed to pay renewal fees.
- Validity of patent has been successfully challenged by opponent in patent office or courts.

On expiry, invention becomes a part of public domain.

Benefits of Patents

A. Benefits to inventor

Following are benefits to the inventor who holds a patent:

- They get the reward from the government in form of legal rights over their disclosed invention.
- They get their rights Protected under the provisions of Indian Patents Act, 1970.
- They enjoy Monopoly for 20 years term.
- They can give Licenses for commercializing their invention and earn Royalty throughout the term.
- They can also sell off their patents by Assignments,
- Royalty

The inventor gets the benefits for 20 years.

B. Benefits to Society

- It provides opportunities of Further Research
- Improvements on the inventions can be thought and researched for; to obtain better products for the society
- It is a good source to Study claimed technology
- It is possible for new business entrants to get License and manufacture the new technology
- Economic development is enhanced
- Social development gets progressive through more and more inventions
- Patent documents become good source of information

B. TRADEMARK

Trademarks are distinctive words, name, graphics, symbols or logos or a combination thereof, adopted and used to identify the source of goods and distinguish them from those manufactured or sold by others. A trademark is a recognizable insignia, phrase or symbol that denotes a specific product or service and legally differentiates it from all other products.

A trademark serves to exclusively identify a product or service with a specific company and is a recognition of that company's ownership of the brand.

Why trademark

- Trademark serves as a mark of identification. It becomes a mark of identification for specific brand, company etc. through which it can be easily identified from the rest of the brands from the market.
- It serves as the status symbol and customer can easily recognize their favorite brands.
- Trademarks are an effective communication tool. In a single brand or logo, trademarks conveys intellectual and emotional attributes and messages about you, your company, and your company’s reputation, products and services.

- Trademarks help prevent marketplace confusion. It protects the consuming public by preventing confusion as to the source of goods or services.
- Trademarks are leverage able - they provide value beyond your core business, and can pave the way for expansion (or acquisition, if desired) of your business.
- Trademarks allow businesses to most effectively utilize the Internet.
- Trademarks are very effective against unfair competition.
- Trademarks are relatively inexpensive to protect.

Functions of Trademark:

- Builds Brands:
    - Identifies product and its qualities.
    - Advertises the product
- Establishes Quality:
    - guarantees unchanged qualities
- Creates Image:
    - Creates an image of the product/service

Who can apply for Trademark Registration?

- Proprietor
- Legal heirs of Proprietor

- Individual proposing a business in particular goods/services
- Corporate
- Assignee
- Foreign applicants

Term of trademark

The term of protection of the registered trademark is 10years. Further it may be renewed after completion of 10 years.

Categories of Trademark:

- **Word mark:**
  - Logo
  - Mark
  - Label
  - Slogan

- **Composite Marks:**
  - Word + Word
  - Word + Design
  - Design + Design
  - Color Combination

- **Common marks:**
  - Suggestive
  - Descriptive

- Generic
- Arbitrary
- Certification mark
-

- **Non-traditional trademarks;**
  - Sound
  - Smell



When can a Trademark be refused registration?

The Act governing the regulation of Trademarks in India is The Trademarks Act, 1999. Among the several provisions of the Act, the governing provisions of approval and refusal of trademarks are Section 9 (Absolute grounds for refusal of registration) and Section 11 (Relative grounds for refusal of registration).

- **Section 9:** In a nutshell, this section prevents the registration of marks that are descriptive, generic, and scandalous, consist exclusively of marks or indications, which may serve in trade to designate kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or services or other characteristics of the goods or service. However, if a mark has any of the aforementioned characteristics, it will be permitted to be registered if it has acquired a distinctive character and is a well-known mark as a result of use.

- **Section 11:** This section provides that a mark shall not be registered if the mark causes likelihood of confusion on the part of the public i.e. likelihood of association with an earlier trademark; If the applied-for mark is identical to a well-known trademark in India and use of later mark may be detrimental to the distinctive character of the well-known trademark; The provision further envisages that where the goods are of different description refusal will not be justified but registration may be refused if the mark is likely to be deceptive or cause confusion.

Examples of marks that have been refused or given registration based on Section 9 & 11:

- Name of pharmaceutical preparation 'DROXYL' was refused registration because it is derived from pharmaceutical preparation CEFADROXIL and thus designates kind of goods and devoid of distinctive character.
- BULLETE in respect of motor cycle was found descriptive and refused for registration.
- Distinctiveness of "MOUNTAIN DEW" mark is beyond doubt as it is used throughout the world since 1940. It is a unique combination coined arbitrarily which has assumed popularity over a long period for the goods for which it is being used.
- The word *"RASOI"* was refused registration for hydrogenated vegetable oil as it has a direct reference to the character of the goods.
- The word SAFEO was held descriptive not registrable for cleaning powder and liquid for being too close to the Hindi word 'SAFF' meaning ,clean, white.

- ‘Safi’ as a trade mark for medical preparation is granted as trade mark although the word Safi means clear and pure and the medicine is used for blood purification and clear skin. The registration was granted on the ground of long use.
- The defendants were restrained from infringing the plaintiffs’ registered trademark in SCRABBLE and using the name SCRABULOUS, or any other mark deceptively or confusingly similar to SCRABBLE. The mark SCRABBLE was not held descriptive because of its long use and reputation.

C. COPYRIGHT

Copyright is a law which says that if you create something, then you own it. Copyright gives creators the freedom to decide what happens to their creations. If you're a creator copyright automatically applies to, and protects, all your creative work. That means you are free to decide how other people can use your work, and means they need to ask your permission before using your work.

Why Copyright?

Copyright is a right given by the law to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings. It is a bundle of rights including, rights of reproduction, communication to the public, adaptation and translation of the work.

What is protected under Copyright?

Copyright may be acquired for almost all the visible things like script, photo, book, essay, films, videos, architecture etc. and also intangible things such as music. The most important criteria to determine whether the said article is copyrightable or not, is based on its originality.
The following works may be afforded a copyright protection:

- Literary works (including computer programs, tables and compilations including computer literary data base)
- Dramatic works
- Artistic works
- Cinematographic films
- Sound recordings

Advantages/Functions of Copyright Registration:

- Registration of Copyright establishes a public record of the copyright claim Copyright protection enables the holder of the copyright to take legal action against infringers in a court.
- Permits the copyright owner to record the registration with Indian Customs to help in protection against the importation of infringing copies into India.
- Copyright protection renders benefits in the form of economic rights which entitles the creators to exercise control over use of their literary and artistic material in various ways such as producing copies, performing in public, broadcasting, use on-

line/on the internet, etc. and to avail an appropriate economic reward.

- Copyright protection enables creators to consequently be rewarded for their originality and venture.

Who can apply for Copyright?

- Author
- Copyright Claimant
- Authorized Agent
- Employees/Employers

Term of Copyright:

The term of a Copyright subsists for the life of the author plus sixty (60) years after the death of the author/creator.

D. INDUSTRIAL DESIGNS

The registration and protection of novel designs and industrial designs is administered by the Designs Act, 2000 and the Industrial Design Rules 2001. The law of Industrial Design protects the design and make of a product. It protects the aesthetic and ornamental aspects of a

product. Although the design of a product may have technical or functional features, industrial design, as a category of intellectual property law, refers only to the aesthetic nature of a finished product, and is distinct from any technical or functional aspects.

What is protected under an 'Industrial Design'?

As a general rule, an industrial design consists of:

- Three-dimensional features such as shape of the product.
- Two-dimensional features such as ornamentation, patterns, lines or colours of a product.
- A combination of one or more such features.

Advantages of protecting Industrial Design:

Like other Intellectual Properties, it is equally important to protect Industrial Designs. Here are a few advantages of protecting Industrial Design:

- An industrial design adds value to a product. It makes a product attractive and appealing to customers, and may even be its unique selling point. So protecting valuable designs should be a crucial part of the business strategy of any designer or manufacturer.
- Registering a valuable design contributes to obtaining a fair return on investment made in creating and marketing the relevant product, and thereby improving profits.
- Industrial designs are business assets that can increase the commercial value of a company and its products. The more successful a design, the higher is its value to the company.

- A protected design may also be licensed (or sold) to others for a fee
- Registration of industrial designs encourages fair competition and honest trade practices, which, in turn, promote the production of a diverse range of aesthetically attractive products.

Who can apply for Industrial Design?

The following persons can apply for protection and registration of Industrial Design:

- Any person who claims to be the proprietor of the Design can apply for registration of the new design.
- Section 2(j) of the act says that a proprietor is a person for whom the author of the design has executed the work in return for good consideration, or a person who has acquired the design or the right to apply the design to any article or the author of the design upon whom the right in the design has devolved.

Term of Design Protection:

The duration of a design protection is 10 years from the date of registration. The registration can be further extended to 5 years, but the extension must be applied for before the lapse of the ten year period.

E. TRADE SECRETS

Trade secrets, just as other intellectual property rights, can be extremely valuable to a company's growth and sometimes even critical for its survival. Businesses must ensure that they adequately protect their business processes, technical know-how and confidential information from competitors. A trade secret may refer to a practice, process, design,

instrument or a compilation of data or information relating to the business which is not generally known to the public and which the owner reasonably attempts to keep secret and confidential. Such data or information may also involve an economic interest of the owner in obtaining an economic advantage over competitors.

What is protected under Trade secrets?

Generally, a trade secret is said to be any information, practice, process or design:

- That is not generally known or readily accessible by people who normally deal with such type of information.
- It must have a commercial value as a secret.
- The lawful owner must take reasonable efforts to maintain its secrecy.

Advantages of protecting Trade secrets:

- The biggest advantage of a trade secret is that it does not require registration in order to be protected, thus it is a cost-effective way to protect confidential information or invention.
- Another advantage of trade secrets is that there is no fixed term of protection. A trade secret lasts indefinitely until it is reverse-engineered.

- A trade secret can be applied to potentially anything that is not covered under other Intellectual Properties. For example: Anything that is not eligible for patent protection can be protected through a trade secret.

How can Trade secrets be enforced?

There is no specific legislation in India to protect trade secrets and confidential information. Nevertheless, Indian courts have upheld trade secret protection on basis of principles of equity, and at times, upon a common law action of breach of confidence, which in effect amounts a breach of contractual obligation.

In India, a person can be contractually bound not to disclose any information that is revealed to him/her in confidence. The Indian courts have upheld a restrictive clause in a technology transfer agreement, which imposes negative covenants on licensee not to disclose or use the information received under the agreement for any purpose other than that agreed in the said agreement.

What is the term of trade secret?

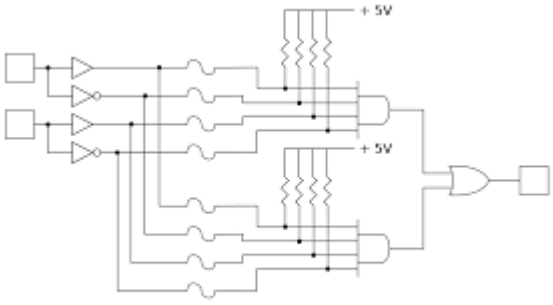
As mentioned before, a trade secret has no definitive term of protection. It remains protected until someone honestly and bonafidely reverse engineers the confidential product or process. In case of confidential information, it is protected until the confidential information is disclosed publically (by the holder of the trade secret).

F. SEMI-CONDUCTOR INTEGRATED CIRCUIT LAYOUT DESIGNS

The semiconductor integrated circuit is an integral part of every computer chip. Semiconductor integrated circuits or chips enables instantaneous exchange of information on a worldwide basis because it can store large amount of data so readily.

Semiconductor Integrated Circuit means a product having transistors and other circuitry elements, which are inseparably formed on a semiconductor material or an insulating material or inside the semiconductor material and designed to perform an electronic circuitry function.

or



An integrated circuit or monolithic integrated circuit (also referred to as an IC, a chip, or a microchip) is a set of electronic circuits on one small flat piece (or "chip") of semiconductor material, normally silicon. The integration of large numbers of tiny transistors into a small chip resulted in circuits that are orders of magnitude smaller, cheaper, and faster than those constructed of discrete electronic components. The IC's mass production capability, reliability and building-block approach to circuit design ensured the rapid adoption of standardized ICs in place of designs using discrete transistors. ICs are now used in virtually all electronic equipment and have revolutionized the world of electronics. Computers, mobile phones, and other digital home appliances are now inextricable

parts of the structure of modern societies, made possible by the small size and low cost of ICs.

The simplest integrated circuit consists of three layers, one of which is made from semiconductor material. A wafer (i.e. a thin, highly polished silicon crystal disk) of semiconductor material is coated with a layer of silicon oxide (an insulator) and the electronic components (for example, transistors) are formed by a process of diffusion (chemically doping the semiconductor material with impurities through holes etched through the oxide). Finally, an aluminum coating is applied which is partly evaporated using a mask, leaving behind the interconnections between components formed in the semiconductor layer. It might thus be said that that the information highway is paved with silicon.

The mask is transparent except for opaque patterns on the mask that correspond to the circuit patterns to be etched into the wafer. In a complex circuit, another layer of silicon is placed on top of the etched wafer, and the same etching process is repeated. A chip typically has eight to twelve layers, each layer having a unique mask creating the required circuits. These layers of masks, collectively called 'mask work' or 'layout-design', manifest the three-dimensional layout of the chip.

Who can file?

Patent Application can be filed by

- One who develops the chip with his technical inputs;
- Legal representative; either in guidance of a patent agent or by own.

Protection:

A layout-design has to be registered to receive protection under the Act.

Eligibility:

A Layout design that is:

- Original
- Not commercially exploited anywhere in India or convention /reciprocal country
- Inherently distinctive
- Inherently capable of being capable of being distinguishable from any other registered layout design.

Is protectable under the law.

Rights:

The registered-proprietor has the exclusive right to reproduce by any means the registered layout-design or any substantial portion of it.

Term of Protection:

10 years from the date of filing an application for registration or from the date of first commercial exploitation anywhere in the world.

3. Inventions not patentable

Section 3 of the Patents Act lays down what cannot be patented. Section 3 is divided into sixteen (16) sub-sections! Fret not, we will describe each of the sub-sections in detail so as a start-up you can have firs-hand knowledge about what to patent and what not to patent.

Section 3 (a): ***"An invention which is frivolous or which claims anything obviously contrary to well-established natural laws."***
Under this provision those inventions which are frivolous or which is anything obvious contrary to well established natural laws are not patentable. In a situation where in an invention claimed for making a tile out of a new substance which was pumic sand, cement, flax tow wherein it was established that there was lack of inventive step, therefore patent invalid.

Examples:

- A machine purporting to produce perpetual motion, a machine alleged to be giving output without any input
- A machine allegedly giving 100% efficiency are considered as frivolous nature and contrary to natural laws.

Section 3 (b) "***An invention, the primary or intended use or commercial exploitation of which would be contrary to public order or morality or which causes serious prejudice to human, animal or plant life or health or to the environment*".**

The main object behind this provision is to establish that those inventions whose commercial exploitation would violate the law or morality or which causes serious prejudice to human, animal or plant life or health or to the environment are made not patentable.

Examples:

- Any device, apparatus or machine or method for committing theft/burglary.
- Any machine or method for counterfeiting of currency notes.
- Any device or method for gambling.
- Inventions, the intended use or commercial exploitation of which is found to be injurious to public, animal or plant life or health, such as, a method of adulteration of food.
- An invention, the primary or intended use of which is likely to violate the well accepted and settled social, cultural, legal norms of morality, e.g. invention relating to cloning of humans, processes for modifying the germ line and genetic identity of human beings, etc.

However, if the primary or intended purpose or commercial exploitation of a claimed invention is not causing serious prejudice to human, animal or plant life or health or to the environment, such subject matter may be considered to be an invention and may be patentable.

Example:

- Pesticides

Section 3 (c) ***"mere discovery of a scientific principle or the formulation of an abstract theory or discovery of any living thing or non-living substance occurring in nature is not an invention".***

A mere discovery is not a subject matter of patent. It is the practical conversion (application) of the idea or discovery which leads to patentable inventions. In order to make the discovery of an invention, the person must do something new which is more than mere finding.

The provision further clarifies that those living thing or nonliving thing occurring in nature, such as plants, which are not invention but discoveries, has been rightly, stated to be not patentable inventions.

Genetically modified microorganisms (GMOs) are however, patentable.

A scientific theory is a statement about the natural world. These theories themselves are not considered to be inventions, since they do not result in a product or process. However, if the theory leads to practical application in the process of manufacture of an article or substance, it may well be patentable.

Example:

- Hypothesis
- Theory as to how car shall fly
- Theory of human cloning

These are the theories from which a scientific principles may or may not be understood but the inventions would not actually work without undue experimentation. Thus, they do not contribute as an invention.

Section 3(d), ***"The mere discovery of a new form of a known substance which does not result in the enhancement of the known efficacy of that substance or the mere discovery of any new property or new use for a known substance or of the mere use of a known process, machine or apparatus unless such known process results in a new product or employs at least one new reactant is not an invention".***

Novartis Ag v. Union of India, the Supreme Court of India held that "mere discovery of an existing drug would not amount to invention". The Supreme Court of India further in this case held that "under Indian Patent Act for grant of pharmaceutical patents apart from proving the traditional tests of novelty, inventive step and application, there is a new test of enhanced therapeutic efficacy for claims that cover incremental changes to existing drugs which also Novartis's drug did not qualify.

The instant case resembles the approach by the India in dealing with the pharmaceutical patent regime. The Supreme court's interpretation of the patent legislation seems to more favorable on the citizens right rather than commercial interest for the deprived people in India which forms majority in the masses of the population, which is ought to deliver access to medicine at reasonable price. It is caution and not the verdict to forbid the protection under the act. After the amendment in 2005, the patent in India has requirement of higher standards of inventive steps, what is patentable in other countries may not be patentable in India. The right to health is duly protected in a way towards Trade Related Intellectual Property Rights (TRIPS) agreement by giving nod to life saving drug. As India is a developing nation it is necessary that the medicines to be available at cheap and affordable price, the poor cannot be put at the risk of life when there is adequate cure exist.

Example:

- Finding a new property or a new use of known turmeric powder as an agent for treating AIDS.

Section 3 (e): ***"Substance obtained by mere admixture mere admixture resulting only in the aggregation of the properties of the component s thereof or a process for producing such substance".***

According to this provision, a composition containing at least two ingredients in which the ingredients interact with one another resulting in a composition, having the sum properties of each of the ingredients is not patentable.

It is to be noted that in such a case, the protection is not for individual ingredients used but to the resulting combination.

Examples:

- Combiflam [Paracetamol (Antipyretic) + Brufen (analgesic)]
- A detergent composition consisting of a known active ingredient and a carrier wherein the carrier does not possess any activity and does not play any part in the activity of the composition is not patentable even if the active ingredient used is new.
- Solution of sugar and color additives in water to form a soft drink

However, if their composition has different and/or unexpected properties as compared to the individual ingredients' employed, such composition is patentable irrelevant of the fact that the active ingredient used is known or new. This is based on the consideration that the composition is the result of the synergistic effect of the active ingredient which is judiciously selected and the particular carrier employed.

Example:

- Slow release pharmaceutical compositions (tablets) in which the carrier employed releases the active ingredient in a particular environment (i.e. synergistic action of the carrier on the active ingredient) is patentable.

However, A mixture resulting into synergistic properties of mixture of ingredients however, may be patentable - Soap, Detergents, lubricants etc.

Section 3 (f): *"The mere arrangement or re- arrangement or duplication of known devices each functioning independently of one another in a known way is not an invention".*

An invention claiming a mere juxtaposition of known devices in which each device functions independently is not considered patentable. Merely placing side-by-side old integers so that each performs its own function independently of the others is not a patentable combination.

Examples:

- Bucket fitted with torch, clock and transistor in a single cabinet.
- An umbrella with a fan

These are not patentable, since they are nothing but mere arrangement and rearrangement of items without having any working interrelationship between them and are devices capable of functioning independently of each other.

Section 3 (g): *omitted*

Section 3 (h): *"A method of agriculture or horticulture is not an invention".*

Examples:

- A method of spraying insecticides on a field to prevent insects from harming the plant.
- A method of watering plants.
- A method of harvesting.

- A method of producing improved soil from the soil with nematodes by treating the soil with a preparation containing specified phosphorathioates.
- A method of producing mushrooms.
- A method for cultivation of algae.

However, if a new device is developed having inventive ingenuity such a device may be patentable provided it satisfies all the three essential criteria of patentability.

Section 3 (i): ***"Any process for the medicinal, surgical, curative, prophylactic, diagnostic, therapeutic or other treatment of human beings or any process for a similar treatment of animals to render them free of disease or to increase their economic value or that of their products is not an invention"***.

Under this provision a method of treatment of human body by surgery, curative, prophylactic, diagnostic, therapeutic or other treatment is not an invention which is patentable under the Act. Similarly, a method of improving or changing the appearance of human body or parts of it is also not a patentable invention.

Examples:

- A process for treatment of human beings suffering from tumor by conducting an operation to overcome the tumor.
- A method of reducing gastric secretions in a mammal by the systematic administration of certain compounds into the mammals.
- A method of treatment for reducing dental plaque in the mouth of a

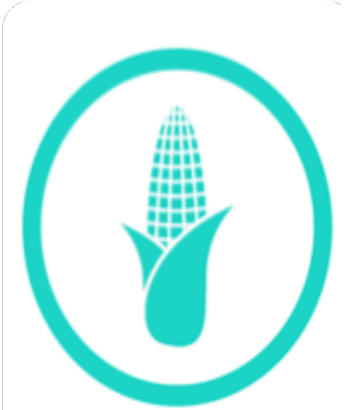
human being by administering a drug to the patient.

However, an invention relating to the processes for the preparation of synergistic medicine/ drug/ fertilizer or cosmetic composition or a device for performing the operation etc are patentable provided that they satisfy the patentability criteria.

Section 3 (j), "*Plants and animals in whole or any part thereof other than micro-organisms but including seeds, varieties and species and essentially biological processes for production or propagation of plants and animals are not inventions*".

This provision makes it clear that no patents can be granted for the plants or animals, parts of the parts of the plants or the animals, seeds, plant varieties, species and for essentially biological processes for the production or propagation of animals or plants.

The following subject matters are excluded from the purview of patentability:



- Plants in whole or in part
- Animals in whole or in part
- Seeds
- Varieties and species of plants and animals
- Essentially biological process for production or propagation of plants and animals.
- Microorganisms, other than the ones discovered from the nature, may be patentable.

For instance, genetically modified microorganisms may be patentable subject to other requirements of Patentability.

Therefore, the transgenic plants and animals may not be considered as patentable subject matter but the process for producing the same may be considered as patentable. **However, in India plants and varieties are provided protection under the provisions of the Protection of Plants Varieties and Farmers Right Act, 2002.**

Section 3 (k) says *"A mathematical or business method or a computer programme per se or algorithms are not inventions and hence not patentable".*

A mathematical or business method or a computer program per se or algorithms is not afforded to business methods and computer programs though TRIPS Agreement does not exclude them from patentability. **Computer programs *per se* are excluded from patent protection as they are protected as literary work as a literary work under Copyright Act, 1957.**

Examples:

- An algorithm for match making
- A database management tool
- A gaming software
- A calculating tool for say calculator
- A software merely having standard sequence of steps giving same results.

Section 3 (l), "*A literary, dramatic, musical or artistic work or any other aesthetic creation whatsoever including cinematographic works and television productions is not an invention".*

Examples:

- Writings, music, works of fine arts, paintings, sculptures, computer programmes, electronic databases, books, pamphlets, lectures, addresses, sermons, dramatic-musical works, choreographic works, cinematographic works, drawings, architecture, engravings, lithography, photographic works, applied art, illustrations, maps, plans, sketches, three- dimensional works relating to geography, topography, translations, adaptations, arrangements of music, multimedia productions, etc. are not patentable (such works fall within the domain of the Copyright Act, 1957.)

Section 3(m), *"a mere scheme or rule or method of performing mental act or method of playing game is not an invention".*

Under this clause, A mere scheme or rule or method of performing mental act or method of playing game, are excluded from patentability, because they are considered as outcome of mere mental process.

Examples:

- Method of playing chess.
- An indoor game
- Rules for playing an indoor game
- Method of teaching.

- Method of learning.

Section 3(n) says "***A presentation of information is not an invention".*** Any manner, means or method of expressing information whether visual, audible or tangible by words, codes, signals, symbols, diagrams or any other mode of representation is not patentable.

Examples:

- Railway time table
- 100 years calendar etc.
- A speech instruction in the form of printed text where horizontal underlining indicated stress and vertical separating lines divided the works into rhythmic groups is not patentable.

Section 3 (o) provides for that "***topography of integrated circuits***" cannot be patented.

Topography of integrated circuits cannot be the subject matter of the patent protection. Topographies or lay-out designs of integrated circuits are **governed by the Semiconductor Integrated Circuits Layout-Design Act, 2000.**

Section 3(p) states **"*An invention which in effect, is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components is not an invention***".

Traditional knowledge (TK) is knowledge, know-how, skills and practices that are developed, sustained and passed on from generation to generation

within a community, often forming part of its cultural or spiritual identity.

Innovations based on Traditional Knowledge may benefit from patent, trademark, and geographical indication protection, or be protected as a trade secret or confidential information. However, traditional knowledge as such is not protected by conventional intellectual property systems.

In the recent past years, there have been several cases of bio- piracy of traditional knowledge in India. First it was the patent of wound healing properties of HALDI (Turmeric). The foreigner obtaining the patents based on Indian biological materials without acknowledging the sources of their knowledge or without sharing the benefits. There are also more sources of examples of Indian traditional knowledge like:

- Neem
- Turmeric
- Basmati Rice

Thus, Traditional Knowledge, being knowledge already existing, is not patentable.

Examples:

- Antiseptic properties of turmeric for wound healing
- Pesticidal and insecticidal properties of neem.
- Use of turmeric (*Curcuma longa*) for medicinal purposes.
- Use of ashwagandha (*Withania sominifera*) to treat heart related ailments.

- Traditional healing practices such as Yoga.

Neem

A tree legendary to India has been used as a biopesticide and medicine in India for century's.. Ancient Indian Ayurvedic texts have described the Neem tree and it's medicinal healing properties as far back as 5000BC. The Europion patent office (EPO) revoke in its entirety patent number 436257 which had been granted to the united state of American and the multinational corporation W.R. Grace for a fungicide derived from seed of the Neem tree. Despite Neem's ancient tradition, over 12 US patents were recently taken out Neem-based emulsions and solutions.

Turmeric

In 1993, the US PTO granted the University of Mississippi Medical Center patent rights over a "healing a wound by administering turmeric to a patient afflicted with a wound." But again, Turmeric has been used for centuries in India. Indians grow up with a constant awareness of turmeric tuber when dried keeps practically forever. The patent was eventually cancelled in 1998 after reexamination proceedings, But revealed to India and to indigenous societies around the world, again, how easy it was to falsely patent centuries-old traditional knowledge.

Basmati Rice

In 1997, the US patent office granted a patent in September 1997 to 'Rice Tec' for a strain of Basmati rice, an aromatic rice grown

in India and Pakistan for centuries. This case has not yet been resolved, but the Indian Government is actively pursuing the case, stating that it violates both TRIPS and the CBD. According the *'South Asia Commission on Economic and Social Policy, Rice Tec's patent also violated the CBD in not recognizing the sovereign rights of India and Pakistan over Basmati rice.*

Maca

In 2001 after the Viagra craze, two US companies patented extracts of the Andean plant, "Maca" which has traditionally been used to enhance fertility and sexual function. The patents were granted on the basis of "unlocking maca's chemical secrets" through advanced processes.

The Traditional Knowledge Digital Library (TKDL) project was initiated in the year 2001 as a sequel to the battles fought by India against the patents granted by the United States Patent & Trademark Office (USPTO) for Turmeric and Basmati Rice and the Neem patent granted by the European Patent Office (EPO) in the 1990's so that there would exist proper documentation of its rich Traditional Knowledge.

Initiative to digitally record our existing traditional knowledge happened around 1999, when, the Department of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homoeopathy-(AYUSH), the erstwhile Department of Indian System of Medicine and Homoeopathy (ISM&H) constituted an inter-disciplinary Task Force, for establishing the Traditional Knowledge Digital Library (TKDL).

TKDL provides information on traditional knowledge existing in the country, in languages and formats understandable by Patent Examiners at International Patent Offices (IPOs), so as to assist in preventing the grant of wrong patents. TKDL thus acts as a bridge between the traditional knowledge information existing in local languages and Patent Examiners at IPOs.

The project TKDL involves documentation of traditional knowledge available in the public domain in the form of existing literature related to Ayurveda, Unani, Siddha and Yoga, in digitized format in five international languages namely English, German, French, Japanese and Spanish.

Thus, start-ups must keep in mind what can be patented and what cannot be before claiming their invention as novel and innovative.

4. Procedural Aspects of Intellectual Properties

Having gone through the glimpse of the various intellectual property rights and their basics, you must be conversant with the procedural aspects of the Intellectual properties. How do you acquire your rights over your Intellectual property? The answer indeed is through the registration of various intellectual property. To legally enforce such right, you need to register your creation with the Office of Controller General of Patents, Designs & Trade Marks under Ministry of Commerce & Industry, Government of India.

Controller General of Patents, Designs & Trade Marks
INTELLECTUAL PROPERTY INDIA

1. PATENT

In India, Section 2(m) of the Patent Acts, 1970 defines patent as a Patent for any invention granted under this act. A grant from the Government to the invertors for a limited period of time, the exclusive right to make use, exercise and vend his invention. After the expiry of the duration of patents, anybody could use the invention.

Accordingly an application for a patent under the Act, can be filed by the true inventor for the protection of the invention, or an assignee or a legal

representative. The person, who first applies for a patent, is entitled to obtain the patent. Unfortunately, an inventor of the invention who applies subsequently will not obtain the patent as against the first applicant. Any Indian citizen or an organization can apply for the Registration of Patent in India. A foreign national can also file application for Registration of Patent in India provided he has an address for service in India.

- For the registration of patent, under the Patents Act, 1970; application for registration has to be filed before the Patents Office of relevant territorial jurisdiction by the inventor either alone or jointly or through assigned legal representative in the prescribed application form 1 along with the requisite fees. Patent Applications are filed along with technical specification of the invention. The technical specification may either be provisional/ complete specification. That is the application for patent must contain the following particulars:
    - Application
    - Technical Specification (Provisional / Complete Specification)
    - Proof of right for making the application.
    - Declaration as to inventor ship
    - Statement and undertaking regarding foreign filling
    - Power of authority

- Application for patent may be accompanied either by the provisional or complete specification. Generally a provisional specification accompanies a patent application; which is a brief technical disclosure of the invention. In case the applicant files the provisional specification along with the application he must file the complete specification for the same within the period of 12 months from the date of filling of the application.

- Filling of the complete specification is followed by the publication of the application. An application for patent shall be published in the official journal of patent office any time after the period of 18 months from the date of filling of the application (priority date). This journal is made available on the website weekly.
    - In order to expedite the process of obtaining the patent; applicant has an option to get his application published before 18 months also. In this case the applicant shall make a request of early publication in the prescribed format and fees, upon which the application shall be published within one month from the date of such request.

- Unlike the trademark and design applications, a patent application shall only be examined when the request of examination has been filled. Request for examination of the patent application is to be filled within the time period of 48 months from the date of filling of the application (Priority date). In case the applicant fails to file the request of examination within the stipulated time period the application stands abandoned.

- With the amendments in the Patent Rule in 2016, the government provides the provisions for expediting the process of patent application. For expediting the process of the examination, the applicant may make the request of expedite examination on prescribed form and fees within time limit. However, the following types of applicants will qualify to avail expedited examination.
    - The patent applicant is a start-up
    - The patent applicant was a start-up at the time of filing the patent application
    - The patent applicant has chosen India as an International Searching Authority (ISA) or as an International Preliminary Examining Authority (IPEA) in a corresponding PCT application.

- The application is examined after the filling of the request of examination. The examiner issues the First Statement of objections containing list of the certain objection. The applicant is required to comply the objections raised in within the time period of 6 months.
- If the examiner is not satisfied with the compliance he may provide a chance to hear the applicant or in case of meeting with the objection raised he may grant/refuse the patent application.

2. TRADEMARK

Trademark registration process in India is required if a company/individual intend to possess the complete ownership of the mark and intend to protect it from the misuse by the third party.

- For registration of trademark you must first own one. The first step involved is the selection of the trademark followed by a trademark search to figure out whether there exists a similar trademark or not. It is advisable for the applicant to search the trademark records registry and ensures that the intended trademark does not resemble or identical the registered mark.
- Further for the registration of Trademark under the Trademarks Act, one may file the trademark application either online or offline. Online application is to be made on the portal of the controller general of the Patents, Trademark, and Design. The offline application for the trademark shall be filled before the Trademarks Registry within whose territorial limits the principal place of business in India of the applicant.
- A single application may be made for registration of a trade mark for different classes of goods and services and fee payable shall be in respect of each such class of goods and services. The application for the registration of the trademark shall contain the following particulars:
    - “Mark” chosen to be registered,

- Trademark owner's information,
- List of goods or services for which the trademark will be used.

- On receipt of an application, the registrar shall cause a search to be made amongst the registered TM's and amongst the pending applications for the purpose on ascertaining if there are on record in respect of same/similar goods or service marks any marks identical with or deceptively similar to the mark sought to be registered.

    - After the amendments in the Trademark rules in 2017, there is the provision laid down for the expedited examination of the Trademarks. If the applicant wishes to expedite the procedure for registration he may opt for the expedited examination in the prescribed format along with requisite fees. Registrar shall cause the expedited examination of such application in order in which the request was filed and may issue the examination report within 3 months from the date of such request

- The Registrar may accept or refuse the application followed by the advertisement of the application. In case, of objection by the registrar for acceptance of application or propose to accept the application with certain term and conditions, amendments, limitations, etc., the same is communicated in writing to the applicant and the applicant has to communicate back regarding their statement and reply to the objection in the examination within the period of one month.

- Advertisement before acceptance of application under (Absolute grounds for refusal of registration) and (Relative grounds for refusal of registration) or when expedient by reason of any exceptional circumstance.
- After the acceptance of an application for registration but before registration if the registrar is satisfied that (i) the application has been accepted in error, or (ii) that in the circumstances of the case the trade mark should not be registered or should be registered subject to conditions or limitations subject to which the application has been accepted, the registrar on hearing the applicant if he so desires withdraw the acceptance.
- Registrar may accept it absolutely or subject to such amendments, modifications, conditions or limitations, if any, as he thinks fit.
- Advertisement, Re-advertisement where (i) application advertised before acceptance or (ii) after advertisement and error has been corrected in connection with the application or the application has been amended.
- After the advertisement of the application it is open to third party opposition for 3 months from date of advertising or re-advertising + 1 month.
- In case the application has not been opposed and the time for the notice of opposition has expired the Registrar shall, unless the Central Government otherwise directs, register the Trade Mark and the date of registration shall be the date of the making of the application subject.
- The Registration of a Trade Mark shall be for a period of 10 years but may be renewed from time to time. Renewal of the Trade Mark shall

be for a period of 10 years from the date of expiration of the original /last renewal of registration.

- Where the registration of the Trade Mark is not complete within 12 months from the date of application by reason of default on part of the applicant, the Registrar may after giving notice to the applicant, treat the application as abandoned.

3. COPYRIGHT

Copyright is a statutory creation and registration is not mandatory under the

Indian Copyright Act, 1957. It consists of a bundle of rights which rights can be assigned or licensed either as a whole or separately. However the registration of copyright is always advisable.

- For the registration of copyright under The Copyright Act 1957, along with the requisite fee, an application needs to be submitted either in DD/IPO. The application has to be compulsorily filed online. It is not possible to file the application offline. The work and other documents are to be filed along with a printout of the online application at the Copyright office within 30 days of the online filing. Along with the application of copyright below particulars are required to be filled.
    - Particulars of the applicant / owner of the Copyright,
    - Particulars of the author of the work.

- Description of copyright work (Literary or Sound Recording etc.)
- Details of publication of the work in India with the details of the publisher and year of publication is to be mentioned.
- Details of publication of the work outside India and the year of publication and name of publisher is to be mentioned.
- Particulars of the person and place where the original of the work is stored has to be mentioned.
- A copy of the assignment from the author in favor of the applicant if the applicant and author are different person.
- A notice of filing of the copyright application has to be sent by the applicant to the author if the applicant and author are different person.
- When the artistic work is capable of being registered as a trade mark, the applicant is required to obtain a certificate from the Registrar of Trade Marks that no such work is registered as a trade mark.

- Once the application is filed, a diary number is generated and issued to the applicant.
- The applicant shall give notice of his application to every person who claims or has interest in the subject-matter of copyright or disputes the rights of the applicant to it.
- Time Period for processing application – 30 days. for recording and analyzing any objections that may come up against the copyright application

- **In case of discrepancy found during scrutiny**:

  A letter of discrepancy is generated and sent to the applicant. Based on the reply from the applicant, the registrar conducts a hearing of the alleged discrepancy row. Once the discrepancies are sorted during the hearing, the extracts of the same are sent to the applicant for him/her to register the copyright.

- **In case of *zero* discrepancy:**

In this case the copyright application fulfils all criterion required for the copyright registration. The applicant is then given the signal to go ahead with the registration of the same.

(If the registration is not approved, then the applicant received a letter of rejection)

- Registration- the registration solely depends on the registrar. Once everything is cleared from the registrar's end, the applicant received the copyright and can legally exercise all rights that come with the owner of that copyright.

4. DESIGNS:

Design registration in India gives the owner, a monopoly on his or her product, i.e. the right for a limited period to stop others from making, using or selling the product without their permission.

- For registration of Design under the Design Act, 2000 along with the requisite fee an application is submitted along with four copies of the representation of the Design to the Design Wing of the Patent Office in Kolkata or to any branch office of the Patent Office in Delhi, Mumbai or Chennai. Along with the application following details are required to be met with:
    - Name and address of the Applicant;
    - Legal Status of the Applicant i.e. whether the applicant is natural person, Company, Start Up etc. If the Applicant claims to be a start-up (registered with the Government of India as a start-up), the certificate has to be filed.
    - Description of article to be filled in along with identification of the class as per the classification.
    - The nature of applicant determines the official fee for the application.

- The image or drawing of the article is to be filed along with the application.
- Claim of novelty is to be made in the application i.e. whether any part of the article or the entire article is novel.

- Upon receipt of the application in the Patent Office, the Application is numbered, dated and taken up for examination. Design Applications, once filed are automatically taken up for examination.
- During the formal examination if any defects are noticed in the Application, they are communicated to Applicant or to his Agent.
- The applicant is given the time period of 6 months to comply with the defects raised in the formal examination.
- Further if the controller is not satisfied with the applicants reply, a personal hearing is provided to the applicant. The Controller's decision after the hearing is communicated in writing (stating reasons) to the Applicant or his Agent.
- After the design is accepted, it is published in the Official Gazette. The General public thus becomes aware that a design has been registered.

5. TRADE-SECRET:

There is no specific legislation in India to protect trade secrets and confidential information. Nevertheless, Indian courts have upheld trade secret protection on basis of principles of equity, and at times, upon a common law action of breach of confidence, which in effect amounts a breach of contractual obligation.

In India, a person can be contractually bound not to disclose any information that is revealed to him/her in confidence. The Indian courts have upheld a restrictive clause in a technology transfer agreement, which imposes negative covenants on licensee not to disclose or use the information received under the agreement for any purpose other than that agreed in the said agreement.

6. SEMI-CONDUCTOR INTEGRATED CIRCUIT LAYOUT DESIGNS

Semiconductor Integrated Circuits Layout-Design Registry (SICLDR) is the office where the applications on Layout-Designs of integrated circuits are filed for registration of created IPR.

- Any person who wants to register layout-design is required to apply in writing to the Registrar Semiconductor Integrated Circuits Layout-Design Registry in the concerned territorial jurisdiction, as per the procedure prescribed in the SICLD Act, 2000.
- The application shall be filed in the office of the Semi-Conductor Integrated Circuits Layout-Designs Registry within whose territorial limits the principal place of business in India of the applicant.
- The Registrar scrutinizes the application and may refuse the application or may accept it absolutely or with amendments or modifications, as he may consider necessary.
- **Prohibition of registration of certain layout-designs:**
    - Lay out design which is not original is prohibited.
    - Layout design which has been commercially exploited anywhere in India or a convention country has been prohibited.
    - Layout design which is not inherently distinctive or which is not inherently capable of being distinguishable from any other registered layout-design also cannot be registered.

- The registrar may accept the application absolutely or issue report subject to amendments or modifications and communicate to applicant. Applicant to amend the application within 3 months from the date of communication or submit his observations or apply for hearing else it shall be abandoned.
- When an application for registration of a layout-design has been accepted, the Registrar is bound to advertise the accepted application within fourteen days after the date of acceptance.
- Any person under the SICLD Act, 2000 can oppose the proposed registration of layout design. After an application for registration of a layout-design has been accepted, any person can give notice in writing to the Registrar of his opposition, within three months from the date of advertisement or re-advertisement or within further period not exceeding one month in the aggregate.
- Registrar shall register the layout-design in the register, if the application has not been opposed within the prescribed time limit or the application has been opposed and the opposition has been decided for the applicant.

5. *Importance of Intellectual Property for Start-ups*

Intellectual property represents an important financial and legal asset for companies, including start-ups. It is often estimated that intellectual property counts for more than 80% of company's value. Intellectual Property Rights are emerging as a strategic business tool for any business organization to enhance industrial competitiveness. Start-ups have limited resources and man-power and they can sustain in this highly competitive world only through continuous growth and development oriented towards innovation; for this, it is crucial for them to protect their Intellectual Property Rights. Here are a few reasons for why start-ups should invest in Intellectual Property:

- **Intellectual property has no limit on its value:** Unlike most asset classes, the value of intellectual property can increase indefinitely. If a company owns a factory, its value is fixed and, if anything, likely to depreciate in the future. A factory requires repairs, maintenance and renewal of machines, etc. Intellectual property protects whatever value there is in the company (brands, innovations, design), and also contributes to its increase. The value of trademarks (which protects the brand) is largely determined on how well the company does. For example, according to Forbes, the brand value of Apple is nearly $182.8 Billion and has been increasing significantly in the last 10

years. There is no external limit on how high that can get regardless of the size of the company.

- **Intellectual Property can be exploited in several ways:** Many startup companies operate on a business model that is essentially about licensing their brand, technology or both of them. Licensing is not only for big companies, it can be a very profitable business model for start-ups as well since there are very little costs involved. Patent licensing does not even require a famous brand behind it, only that the technology (invention) is good and well protected. Intellectual property portfolio can also be used as collateral for obtaining different types of financing. Rovio, the company that created the famous game *Angry Birds* earns about 20% of its revenue from licensing its Intellectual Property.

- **Intellectual property portfolio reduces operational risks:** Apple had to pay $60 million for the iPad trademark in China because another entity had registered it first. Intellectual property works on "first to file" basis (whoever protects it first gets the rights). There are over 20 thousand trademarks registered every day, so the chance that somebody will think of a similar name is quite high. Protecting brand, innovation and design of the product with intellectual property rights in major markets creates a basis for scaling business quickly and extensively.

- **Companies that protect Intellectual Property always seem like a worthy option for investors and partners:** A company that does not

protect its investments (brand building, innovations) is hard to take seriously. Not protecting intellectual property also put partners (resellers, distributors, etc.) in a difficult position. For example, a reseller might not be a very motivated partner if infringing products are being sold for knock-off prices and there is nothing that can be done to prevent that. So by protecting intellectual property companies are also protecting their business partners' interests and thereby attracting higher quality partners. A recent study covering over 2000 European small and medium sized companies found that "value and image" was the third most important reason for protecting intellectual property. Furthermore, 60% reported that the impact of protection was either positive or very positive. Only 1% reported the impact being negative or very negative.

- **Intellectual Property boosts a start-ups' sales and marketing:** Even if start-ups are not (yet) interested in the value of their business or brand but just want to sell their products, intellectual property also works as a marketing tool. The ® symbol informs the public that the brand owner believes in the product and does not want competitors to ride on its reputation. "Patent pending" statements in marketing give a message about the product's innovativeness. By indicating that the appearance of the product or its detail is a protected design the startup makes it clear that the product represents increasing individuality and stands out from the mass. These messages appeal to both, the customers and the investors alike.

Start-ups should be mindful of what makes their product special and try to secure patents or other IP's. Most companies at an early stage, even if they have a good idea, are too busy going to market and signing-up customers. If an idea is truly patentable or otherwise protectable by intellectual property, copyrights, trade secrets, geographic indications, trademarks are tactics to explore

Over a period of time, Intellectual property gets extremely powerful because a startup is able to prevent other people from encroaching the market. Moreover, over a period of time the startup can capitalize on their Intellectual Property by forcing other players in the market to buy a license of its IP from it. Thus, without a doubt that Intellectual Property is very beneficial for start-ups.

Potential threats for Start-ups: What should they keep in mind?

While it is important to protect and invest in Intellectual Property, start-ups must also keep certain aspects in mind in order to avoid hindrances in the future. Here are a few aspects that start-ups should consider tackling:

- **Transferring pre-incorporation Intellectual Property to the startup:** Ensuring that the startup owns the Intellectual property is critical. The startup must clearly define or lay down who owns the Intellectual Property. Any Intellectual Property or rights therein created before the startup was incorporated must be assigned to the company so that it is easier for the startup to protect those rights. If a patentable invention is created, then it belongs the individual who creates it, especially if the company is not (yet) incorporated.

Problems arise if one of the inventors or creators leaves the company and claims ownership of a crucial invention or creation. To avoid this, the creators should transfer all intellectual property to the company.

- **Choosing an appropriate and catchy name:** Choosing a good name is difficult. From legal point of view there are two aspects that make a good name. Firstly, the name must be one that can be actually used without infringing prior trademarks. Secondly, the name must be one that can be protected and owned. The criteria for protectability varies from country to country, but generally speaking the name must be "distinctive".

- **Protection the name with a trademark:** Choosing a good name is not enough. You only have rights to that name if it is protected as a trademark. Company registration can give limited protection, but in many countries they receive weak or even no protection against the use of later trademarks. Trademark protection is a relatively inexpensive form of intellectual property protection, and failing to do that may lead to a situation where the name must be changed later. . A startup's brand name can be immensely valuable in a marketplace, startup should also make sure that their name or logo is available for commercial use. Trademarks will help a young company build a unique and identifiable brand. This, in turn, will promote a startup's visibility in the marketplace.

- **To Patent or not:** The decision to patent or not to patent should be done before your invention is disclosed publicly. For example,

pitching in a startup competition may lead to the loss of patentability of your invention. Same applies to designs (e.g. product's shape or user interface). Another option is simply keep the invention secret. The advantage of trade secrets is there is no registration requirement and the protection is not limited in time. The most notable disadvantage is that the proprietor is not protected in case of reverse engineering.

- **Confidentiality Agreements:** These are also referred to as Non-Disclosure Agreements or NDAs. The purpose of the agreement is to allow the holder of confidential information (such as a product or business idea) to share it with a third party. But then the third party is obligated to keep the information confidential and not use it in any manner, unless allowed by the owner of the information. There are usually standard exceptions to the confidentiality obligations (such as if the information is already in the public domain). Every employee and consultant should be required to sign such an agreement.

- **Invention Assignment Agreements:** Invention Assignment Agreement is an agreement where the employee acknowledges and agrees that any new ideas or inventions developed by the employee related to the business of the employer is owned fully by the employer. By adopting a well-written Invention Assignment Agreement, the startup can prevent its employees from claiming ownership of inventions that they created using the company's resources.

The Confidentiality Agreement or Invention Assignment Agreement should also extend to consultants and other similar individuals hired by the startup. Consultants also have access to the start-ups' confidential agreement and they can even come up with ideas, invention or work products useful for the business. Thus, it is essential to have them sign the agreement too.

- **Terms of Service & Privacy Policy:** If the startup is a company that conducts its business on the internet (web based services), it is important to have a terms of service agreement that limits what the users can or cannot do on the website and with the information on their website. Closely related is the Privacy Policy, which sets forth what privacy protections are available to the users.

- **Non-Compete Agreements:** A non-compete agreement or a covenant not to compete an agreement not to compete with the business after the employment ends. While it is important to consider enforcing a non-compete agreement against an outgoing employee, it is even more important to be careful when hiring a new employee (especially from competitors). Start-ups need to make sure the employee isn't subject to a relevant binding non-compete agreement. They must also assess whether the incoming employee is bringing in any confidential information from the competitor (in order to avoid a potential law suit). Moreover, the new incoming employee must commit not to use any confidential or proprietary information of a third party.

- **Focus on other Intellectual Properties:** Often times, start-ups tend to focus only on patent. Technology start-ups frequently ignore the value of non-patent intellectual property. While patents can be incredibly valuable, it does not necessarily ensure that its product will sell well. Another aspect to consider when thinking of protecting the invention or creation is Trade Secrets. Trade secrets can be a great asset for start-ups. They are cost effective and last for as long as the trade secret maintains its confidential status and derives value through its secrecy. A trade secret right allows the owner of the right to take action against anyone who breaches an agreement or confidential relationship, or who steals or uses other improper means to obtain secret information. The best example of a well-kept trade secret is the formula for Coca-Cola.

According to the *Start-up Genome Project,* 90% of start-ups fail within their first year. Moreover, *Forbes* states that the two main reasons for the failure of a startup are: the ability to take a new idea to the market, and, **the ability to protect their Intellectual Property**. Thus, the key to success for a start-up is survival and a start-up can survive by smartly exploiting their Intellectual Property. Let this chapter be a lesson for all the start-ups so they can invest in intellectual property protection and enforcement.

6. Intellectual Property for Start-ups: Indian perspective

India has been providing protection to Intellectual Property Rights since it was a British colony. The Act was then reframed post-independence to accommodate socio-economic concerns followed by accommodation of TRIPs provisions. Since then, India is TRIPs compliant and provides protection to Intellectual properties accordingly.

Recent amendments however were specific towards benefit of startups; boosting startup culture in India. The Government of India has taken many initiatives to aid startup culture and help startup take benefits of the recent provisions under the act. A list of such initiatives is as herein below:

Government of India Support for Innovation and Entrepreneurship in India:

In the recent years, wide spectrums of new programmes and opportunities to nurture innovation have been created by the Government of India across a number of sectors. From engaging with academia, industry, investors, small and big entrepreneurs, non-governmental organizations to the most underserved sections of society.

India's efforts at promoting entrepreneurship and innovation are:

- **Startup India** (https://youtu.be/orzNC8lClKk):
  Through the Startup India initiative, Government of India promotes entrepreneurship by mentoring, nurturing and facilitating startups throughout their life cycle. Since its launch in January 2016, the initiative has successfully given a head start to numerous aspiring entrepreneurs. At the core of the initiative is the effort to build an ecosystem in which startups can innovate and excel without any barriers, through such mechanisms as online recognition of startups, Startup India Learning Programmers, Facilitated Patent filing, Easy Compliance Norms, Relaxed Procurement Norms, incubator support, innovation focused programs for students, funding support, tax benefits and addressing of regulatory issues.

- **Atal Innovation Mission (AIM)** (http://aim.gov.in/index.php)
  AIM is the Government of India's endeavour to promote a culture of innovation and entrepreneurship, and it serves as a platform for promotion of world-class Innovation Hubs, Grand Challenges, start-up businesses and other self-employment activities, particularly in technology driven areas. In order to foster curiosity, creativity and imagination right at the school, AIM recently launched Atal Tinkering Labs (ATL) across India. Atal Incubation Centre's (AICs) are another programme of AIM created to build innovative start-up businesses as scalable and sustainable enterprises.

- **Digital India**

  (http://www.digitalindia.gov.in/content/introduction):

  The Digital India initiative was launched to modernize the Indian economy to makes all government services available electronically (including IP filing services). The initiative aims to transform India into a digitally-empowered society and knowledge economy with universal access to goods and services. Given historically poor internet penetration, this initiative aims to make available high-speed internet down to the grassroots. This program aims to improve citizen participation in the digital and financial space, make India's cyberspace safer and more secure, and improve ease of doing business. Digital India hopes to achieve equity and efficiency in a country with immense diversity by making digital resources and services available in all Indian languages.

- **Biotechnology Industry Research Assistance Council (BIRAC)**

  (http://www.birac.nic.in/desc_new.php?id=89)

  BIRAC is a not-for-profit Public-Sector Enterprise, set up by Department of Biotechnology to strengthen and empower emerging biotechnology enterprises. It aims to embed strategic research and innovation in all biotech enterprises and bridge the existing gaps between industry and academia. The ultimate goal is to develop high-quality, yet affordable, products with the use of cutting-edge technologies. BIRAC has initiated partnerships with several national and global partners for building capacities of the Indian biotech industry, particularly start-ups and SME's, and has facilitated several rapid developments in medical technology.

- **Department of Science and Technology (DST)**

  (http://www.dst.gov.in/aboutus/ introduction)

  The DST comprises several arms that work across the spectrum on all major projects that require scientific and technological intervention. The Technology Interventions for Disabled and Elderly, for instance, provides technological solutions to address challenges and improve quality of life of the elderly in India through the application of science and technology. On the other hand, the ASEAN-India Science, Technology and Innovation Cooperation works to narrow the development gap and enhance connectivity between the ASEAN countries. It encourages cooperation in science, technology and innovation through joint research across sectors and provides fellowships to scientists and researchers from ASEAN member states with Indian R&D/ academic institutions to upgrade their research skills and expertise.

- **National Skill Development Mission**

  (http://www.skilldevelopment.gov.in/nationalskillmission.html)

  Launched in July 2015, the mission aims to build synergies across sectors and States in skilled industries and initiatives. With a vision to build a 'Skilled India' it is designed to expedite decision-making across sectors to provide skills at scale, without compromising on quality or speed. The seven sub-missions proposed in the initial phase to guide the mission's skilling efforts across India are: (i) Institutional Training (ii) Infrastructure (iii) Convergence (iv) Trainers (v) Overseas Employment (vi) Sustainable Livelihoods (vii) Leveraging

Public Infrastructure. Click here to download the framework for implementation.
(http://www.skilldevelopment.gov.in/assets/images/Mission%20booklet.pdf)

- **Science for Equity Empowerment and Development (SEED)** (http://dst.gov.in/scientific-programmes/st-and-socio-economic-development/scienceequity-empowerment-and-development-seed)
  SEED aims to provide opportunities to motivated scientists and field level workers to undertake action-oriented, location specific projects for socio-economic gain, particularly in rural areas. Efforts have been made to associate national labs and other specialist S&T institutions with innovations at the grassroots to enable access to inputs from experts, quality infrastructure. SEED emphasizes equity in development, so that the benefits of technological accrue to a vast section of the population, particularly the disadvantaged.

Initiatives taken by the Government:

The government plays an important role for establishing the new enterprises. The initiatives taken by the government of India for startup are as follows.

1. **Self-certification**: The main objective of the government is to reduce the load on the startups hence allowing them to concentrate fully on their business and keeping the low cost of adherence. It will include labor laws and environment related laws.

2. **Start-up India hub**: A single contact point will be created for the start-ups in India, which will enable them to exchange knowledge and access to funds.
3. **Register through app:** An online portal will be available in the form of a mobile application, which will help entrepreneurs to interact with the government and other regulatory officials.
4. **Patent protection:** A monitoring system for patent inspection at reduced costs is being created by the central government. It will enhance perception and acquisition of the Intellectual Property Rights (IPRs) by the entrepreneurs
5. **Rs 10,000 crore fund:** The government will develop a pool with a starting aggregation of Rs 2,500 crore and a total aggregation of Rs 10,000 crore over four years, to help new entrepreneurs. The important role will be played by the Life Insurance Corporation of India in blossoming this collection. The fund will be managed by a group of professionals selected from the start-up industry.
6. **National Credit Guarantee Trust Company:** A National Credit Guarantee Trust Company (NCGTC) will be created with a budget of Rs 500 crore per year for the next four years to help the drift of funds to entrepreneurs
7. **No Capital Gains Tax:** Investments through venture capital funds are exempted from the Capital Gains Tax. The same policy will be executed on start-ups.
8. **No Income Tax for three years:** Start-ups would not pay Income Tax for the first three years.

9. **Tax exemption for investments of higher value:** In case of ventures of higher amount than the market price, they will be exempted from paying tax.
10. **Building entrepreneurs:** Creative study plans for students will be implemented in over 5 lakh schools. Apart from this, there will also be an annual businessman grand provocation to develop high class businessmen.
11. **Atal Innovation Mission:** This Mission will be propelled to revitalize ideas and motivate creative youngsters.
12. **Setting up incubators:** A private-public partnership model is being considered for 35 new incubators and 31 innovation centers at national institutes.
13. **Research parks:** The government plans to lay seven innovative research parks, including six in the Indian Institute of Technology campuses and one in the Indian Institute of Science campus.
14. **Entrepreneurship in biotechnology:** The government plans to construct 5 advanced biotech nests, 50 advanced bio incubators, 150 technology transplant offices and 20 bio-connect offices in the country.
15. **Dedicated programs in schools:** The government plans to inculcate transformational programs for scholars in over 5 lakh schools.
16. **Legal reinforce:** A committee of moderators will give legal help and reinforcement in complying patent applications and other papers.
17. **Rebate:** An exemption value of 80 percent of the total value will be given to the startups on filing the patent applications.
18. **Easy rules:** Standards of communal acquisition and mandate of switching have been easier for the entrepreneurs.

19. **Faster exit:** If an entrepreneur is unsuccessful than the government will help him to get a particular resolution for their complication.

The Government of India has also extended its support to promote awareness and adoption of intellectual property rights among start-ups. The government has helped in protecting and commercializing services through fast-tracking of patents and trademark applications. Also, rebates are provided for those filing the applications. India has become the fastest growing hub for start-ups worldwide and many more ventures are continuously emerging. While protection of novelty and innovation plays an important role for the generation of creativity, it also attracts valuable investments. The Indian government's scheme for facilitating **'Startup Intellectual Property Protection' (SIPP)** enables innovators to protect their Intellectual Property Rights.

SIPP

The **Scheme for Start-ups Intellectual Property Protection (SIPP)** is an initiative by the **NRDC (National Research Development Corporation)** to facilitate the protection of patents, trademarks and designs of start-ups. Its **stated vision** is as follows: "To protect and promote Intellectual Property Rights of start-ups and thereby encouraging innovation and creativity among them." The **objective** of the **SIPP scheme** is, "To promote awareness and adoption of Intellectual Property Rights among start-ups. The scheme is inclined to nurture and mentor innovative and emerging technologies among Start-ups and assist them in protecting and commercialize it by providing them access to high-quality IP services and resources."

How can an entity be registered as a 'Startup' under SIPP:

The most important requirement to avail the benefit of SIPP is to first recognition as a 'Startup'. The following steps are required to be undertaken by an entity to be registered as a startup:

- **First,** the entity must be an entity registered under either of the following: the Companies Act 2013, the Partnership Act 1932 or the Limited Liability Partnership Act 2002.
- **Second,** the entity must meet any of the following requirements:
    - It has a turnover of less than 25 crores in the any preceding financial years.
    - It is working towards development, innovation, deployment or commercialization of new products, processes or services driven by technology or Intellectual Property.
    - An entity will only be identified as a start-up until 7 years from the date of incorporation.
- **Third,** the entity must procure a certification from the Start-up Certification Board as having an innovative business

Once an entity is recognized as a 'Start-up' it can avail the benefits/services offered under the SIPP.

Services offered under SIPP:

Under the SIPP the NRDC offers a wide range of services, such as:

- Providing general advisory on different intellectual property rights to Start-ups **on pro-bono basis**.
- Providing information on protecting and promoting IPRs to start-ups on pro-bono basis.

- Providing assistance in filing and disposal of IP applications related to patents, trademarks and designs under the relevant acts at national at national IP offices.
- Drafting complete/provisional specifications for inventions for start-ups.
- Preparing and filing responses to examination reports and other queries, notices and letters by the IP office.
- Appearing on behalf of start-ups at hearings as scheduled.
- Contesting opposition (if any)
- Ensuring final disposal of the IPR Application.

The biggest advantage of this scheme is that there are **no additional charges for start-ups**, the only charges that start-ups need to incur are the official fees for filing and prosecution.

SIPP today:

Today, the SIPP is a largely successful scheme of the Government of India. The services mentioned in the previous section are provided by designated 'facilitators'. These facilitators provide a wide range of services, right from filing to prosecution to post-grant services. Moreover, they are experts in different fields, thus, the start-ups can avail information from several subject areas.

In order to provide superior services to the start-ups, the government has appointed/designated more than 400 facilitators to assist start-ups in protecting their innovation and Intellectual Property. The Controller General of Patents, Designs & Trademarks has also released a list of

government institutions, along with the list to facilitators, which will provide additional specialized services to start-ups.

Due to its success, the Government of India extended the scheme to three more years. Originally, the scheme was to be in force until March 31, 2017, but now it has been extended vide a circular by DIPP that states that the scheme shall be in force until 2020 in order to further facilitate start-ups to protect their Intellectual Property. The department also laid stress on the fact that it is crucial for start-ups to protect their Intellectual Property in this highly competitive world.

With a strong government support and an active intellectual property enforcement mechanism, there is no greater time to be a start-up in India than right now!

7. Watch Out for these mistakes or it will dig your startups grave

Source: Startupgrind.com

Imagine the situation wherein your Start Up is no longer a Start up and is a well established Business entity which is making the competitors anxious and run for their customers and you are making the most of this moment while thinking in flashback that how hard you worked, day and night to make your Start Up what it is today while sipping the Cup of Coffee in your classy office room. While cherishing the success, you out of the blue moon receive a letter which contains a legal notice from a Business giant who has accused you for Trademark infringement or Patent infringement or theft of Trade secret. This situation kicks you out of your comfort zone and makes you run into a legal battle. If you have a good habit of introspection, you will start thinking as to what went wrong and where did you fall short.

There you are, you forgot to check whether the Trademark you adopted is already owned by someone else or the Product which you manufacture is

already patented by someone even if you have developed it bonafidely. The market credibility of yours goes downtick due to allegations of IP infringement or theft. Thus it is imperative that while you are a Start Up & before you go forward with that trademark, logo etc or product which you think is novel and innovative, you must check whether the same is already owned by someone around in the world. Unless you are small, the original owner of the trademark or patent would not bother much, but as soon as you grow up in the market, you may later on have to gift your entire business to the Patent holder or Trademark owner.

Hence in order to dodge the above goof ups and several others, you must check the following mistakes.Avoiding these mistakes shall ensure a better and protected future of your Start Up and will keep the legal battles at bay.

MISTAKES TO BE AVOIDED

1. Focus on your Intellectual Property and protect it first.

Source: http://www.123rf.com

There are utmost chances that because of lack of awareness or keeping the aspect of your intellectual property at the end of your checklist may cost you badly later. Whether your Start up has gained momentum or not, and if you are confused regarding

continuing your Start Up still you must always protect your Intellectual Property by registering it with the Government Authorities. You cannot afford to wait for the Start Up to become successful and then think of protecting the Intellectual Property. IP planning is very important in order to secure yourself from accidently committing the Infringement of others IP or in order to protect your own IP from other infringers.

2. Always conduct a Trademark Search before adopting it.

Source: www.boomarts.in

You can always engage a Trademark Agent or an Attorney in order to check whether the Trademark which you are planning to adopt is already being used by someone. There are chances that if you adopt a Trademark thinking that it is novel without checking it, then after you may either face an opposition by the prior adopter to the Trademark Registration filed by you or you may directly face a notice followed by a litigation for using a Trademark in an unauthorized manner of the Prior used and registered trademark owned by someone else.

3. Don't adopt a Well known Trademark: A serious Mistake.

The idea of adopting the identical trademark as that of a well known trademark may come into your mind until you are least aware of the Trademark as an Intellectual Property which can be owned by someone and using it can amount to infringement which is similar to trespassing into someone's property. This is the last thing which you may want to do because it can land you up in a legal battle with the Business giant who owns the well known trademark which you have just adopted. Can MICROSOFT be used as a Trademark for your Cafeteria or Software solutions business? The answer is no of course. Microsoft Corporation filed a Trademark Opposition against the Trademark Registration filed by one Mr Kurapathi Babu for the mark MICROSOFT MULTIMEDIA.

Mr Babu despite of being in the business of educational training adopted the trademark MICROSOFT along with the domain name of www.microsoftmultimedia.com thinking that he could have rights over Microsoft as a trademark, as the American brand was active in Softwares and IT. The American IT Giant also sued Mr Babu for Trademark infringement and passing off action in India. Mr

Babu lost the litigation and was ordered to pay 5 lakhs Rupees in total of the fine for Trademark infringement to Microsoft.

You must not think of adopting an identical or deceptively similar trademark to the prior adopted trademark or a well known trademark as it would not be feasible for your start-up to incur expenditures on litigations.

4. Do not publish your inventive idea on public domain if it is worth & patentable.

Source: http://blog.f1000research.com

The humans are blessed or rather cursed with that intuitive characteristic of yelling EUREKA...! whenever they invent or discover something. You being a startup of 21st century need to control that hidden ARCHIMEDES inside you and need to restrict the outspread of your invention or idea. As per the provisions of Patent Law in India or elsewhere in the world, once the invention is published in the public domain before the Patent application is filed, your invention fails to be novel as it is known to everybody in the world and you will not get

the patent granted.

Source: abeedkhader.wordpress.com

Hence you must never disclose your invention on Social Media or through a publication in Journal or any media before you make an application for patent registration. The invention once disclosed will be used by anyone and all the hard work and sweat you invested shall be reaped into profit by almost everyone in the market.

5. Protect your IP correctly : a Wrong IP Protection can sink the Ship.

After you identify your IP, you must protect it as discussed before but, protecting it correctly is yet another challenge and you must leave it to the experienced and professionals. There are certain IPs which can be protected as a two different IP.

For example, one can protect the logo of the business as a Trademark.

And can also protect the artistic work of the same logo under Copyright registration. However Copyright registration is not compulsory under the Copyrights Act, 1957 and as soon as the artist expresses the art work on the piece of paper or through electronic format the Copyright is created of the artist over the said artistic work. Hence you can get the Trademark registration for the logo as well as Copyright registration over the artistic work. The Trademark registration is strongly advisable and it confers statutory rights to the Registered proprietor/ owner to utilize the trademark exclusively and injunct others from using it whereas the Copyright are as such created as soon as the artistic logo is created.

The Softwares are not patentable in India, but the said Software used in order to make an inventive machinery or process to work or function is patentable. Otherwise the other software are protectable under Copyrights Act, 1957.

Source: lawinspiring.com

Also you cannot protect an idea but if the said idea is an artistic one and it is expressed then the said expression is Copyrightable and in case of musical work, the symphony or notation once recorded, the said record is Copyrightable. If your idea is with regards to a scientific

invention and you have prepared a working model or process then you may be get Patent over the Product or Process as the case may be.

Hence it is imperative that you must protect your IP correctly under the proper aegis of IP.

6. Do not miss out to put Contractual obligations on your employees pertaining to confidentiality and non disclosure.

Source: tradesecretstoday.blogspot.in/

All your secret information, technological knowhow, client data base etc are the building block of your business. The employees working for you get access to the said secrets during its tenure. What if the said employee after resigning from your organization joins your rival and discloses al your secrets. Hence it is important that you protect your data and secrets from your employee through contractual obligations wherein the employee undertakes to not disclose the technical knowhow and secret to others. You must not expose the crucial information such as a Trade secret of your business to the employees.

Best Illustration with regards to the Trade secret is.

Source: travelekspert.com, Duhaime.org

The formula of Coca Cola is one of the best kept trade secret. It has been safe guarded for more than 100 years. The said formula is known to just 2 people in the world and the blueprint of the process and ingredients rests in the secret vault.

Your ex employee may also have obtained your clientele database covertly which is prepared by you with hardships and he may sell off those databases to your rivals or use it himself while competing with you directly in market. Thus the contractual obligations put deterrence over the employees to work honestly for you.

"Unfortunately, this here is the intellectual property he took with him when he left."

Source: cartoonstock.co

8. National and State IP Policies

NATIONAL IPR POLICY

The abundance of creative and innovative energies that flow in India, required channelizing policy towards a better and brighter future for all. National IPR Policy recognizes the energies and serves this purpose.

The National Intellectual Property Rights (IPR) Policy was approved on 12th May, 2016 for laying the future roadmap for IPRs in India.

The National IPR Policy is a vision document that encompasses and brings to a single platform all IPRs. It views IPRs holistically, taking into account all inter-linkages and thus aims to create and exploit synergies between all forms of intellectual property (IP), concerned laws and agencies. It sets in place an institutional mechanism for implementation, monitoring and review. It aims to incorporate and adapt global best practices to the Indian scenario.

Highlights

The highlights of the policy are:

- The Policy is in compliance with WTO's (World Trade Organisation) agreement on TRIPS (Trade Related aspects of IPRs), aims to sustain entrepreneurship and boost the scheme 'Make in India.'

- The Policy aims to push IPRs as a marketable financial asset, promote innovation and entrepreneurship, while protecting public interest.
- The plan will be reviewed every **five years** in consultation with stakeholders.
- In order to have strong and effective IPR laws, steps would be taken — including review of existing IP laws — to update and improve them or to remove anomalies and inconsistencies.
- Special thrust on **awareness generation** and **effective enforcement of IPRs**, besides encouragement of IP commercialization through various incentives.
- India will engage constructively in the negotiation of international treaties and agreements in consultation with stakeholders. The government will examine accession to some multilateral treaties which are in India's interest, and become a signatory to those treaties which India has de facto implemented to enable it to participate in their decision making process, the policy said..
- **Trademark offices have been modernised**, and the aim is to reduce the time taken for examination and registration to just **1 month**. The government has already hired around **100 new examiners** for trademarks. Examination time for trademarks has been reduced from 13 months to 8 months, with the new target being to bring the time down to one month by March 2017.
- **Films, music, industrial drawings** will be all covered by copyright.
- The Policy also seeks to facilitate domestic **IPR filings**, for the entire value chain from IPR generation to commercialization. It aims to promote research and development through tax benefits.

- Proposal to create an effective **loan guarantee scheme to encourage start-ups.**
- It also says "India will continue to utilise the legislative space and flexibilities available in **international treaties and the TRIPS Agreement**." These flexibilities include the sovereign right of countries to use provisions such as Section 3(d) and CLs for ensuring the availability of essential and life-saving drugs at affordable prices.
- The policy left the country's patent laws intact and specifically **did not open up Section 3(d)** of the Patents Act, which sets the standard for what is considered an invention in India, for reinterpretation.
- On compulsory licensing (CL), India has issued only **CL for a cancer drug**. Late Mr. Jaitley said, "We rarely exercise this power." The statement assumes significance as developed countries, including the US, have raised concerns over India issuing the CL. As per the WTO norms, a CL can be invoked by a government allowing a company to produce a patented product without the consent of the patent owner in public interest. Under the Indian Patents Act, a CL can be issued for a drug if the medicine is deemed unaffordable, among other conditions, and the government grants permission to qualified generic drug makers to manufacture it.

Objectives of national IPR policy

The New **IPR Policy 2016** is rather well thought and lays down following objectives-

- To create **public awareness** about the benefits of Intellectual property among all sections of society.
- To **stimulate the creation and growth** of intellectual property by undertaking relevant measures.
- To have **strong and effective laws** with regard to IP rights, consistent with international obligations.
- To **modernise** and strengthen IP administration.
- To **catalyse commercialization** of IP rights.
- To strengthen the enforcement and **adjudicatory mechanisms** for combating IP violations and to promote awareness and respect for IP rights.
- Capacity development **by strengthening and expanding human resources**, institutions for training, research and skill building in IP.

Further, the government hasn't been half-hearted in its endeavor to provide us with better IP regulations. It has not only drafted a policy but intends to undertake some well thought out measures to achieve the objectives of the same.

It provides for a regime for technology transfer and licensing for Standard **Essential Patents (SEPs), trade secrets, addressing illegal duplication of cinematographic films.**

Steps by Government to enhance IP

Take a look at the measures the government plans to undertake to bring this idea to completion so that people can get maximum benefits.

- Bringing the administration and implementation of all IP laws under the Department of Industrial Promotion and Policy **(DIPP**). They were previously administered by the Ministry of Human Resource Development and Ministry of Communications and Technology.
- Performing an **IP audit** to identify sector-wise reforms.
- Enhancing **Information and Communications Technology infrastructure** at different levels for making the administration process more efficient.
- Promoting infusion of **funds to Research & Development**.
- Launching a nationwide promotion campaign titled "**Creative India; Innovative India**" to increase awareness about the benefits of the new IPR policy in India. A "Cell for IPR Promotion and Management" (CIPAM)under the command of DIPP for promotion, creation and commercialization of IP assets is constituted.
- Expanding the ambit of **Traditional Knowledge Digital Library** to allow public research institutions and private players to use it.
- Strengthening the enforcement mechanism for better protection of IPR.
- Providing **incentives to promote Research & Development** by providing tax benefits and financial support for products based on Intellectual Property Rights generated from public funded research. Those IPRs would need to be treated as mortgageable assets.

- Developing IPR expertise in the industry, academia and legal fraternity. By developing **Intellectual property rights curriculum**, the Policy intends to raise awareness of IP issues.
- The IPR policy favoured the government considering financial support for a limited period on sale and export of products based on IPRs generated from public-funded research

This progressive step by the government to bring efficacy in the Intellectual Property regime is a welcome change. Considering how Intellectual Property is one of the most important assets of **startups**, the strengthening of the IP culture in India would be nothing but a huge boost to them.

STARTUP INDIA

Startup India is a flagship initiative of the Government of India, to catalyse startup culture and build a strong and inclusive ecosystem for innovation and entrepreneurship in India.

Startups under Startup India get recognized under Department of Industrial Policy and Promotion, Ministry of Commerce and Industry(DPIIT) and can avail certain benefits like :

- Intellectual Property Rights (IPR) benefits
    - Fast-tracking of Startup patent applications
    - Panel of facilitators to assist in IP applications
    - Rebate on filing of application
- Relaxation in public procurements norms
    - Prior Turnover
    - Prior Experience
    - Earnest Money Deposit

- Self-Certification under Labour & Environment
    - To reduce the regulatory burden on Startups, thereby allowing them to focus on their core business & keep compliance costs low

- Fund of Funds for Startups (FFS)
    - To provide equity funding support for development and growth of innovation driven enterprises. The Government has set aside a corpus fund of INR 10,000 crores managed by SIDBI.

      The flow of funds is

      Government > SIDBI > Venture Capitals > Startups

- Faster exit for Startups
    - Ministry of Corporate Affairs has notified Startups as 'fast track firms' enabling them to wind up operations within 90 days vis-a-vis 180 days for other companies.

Government of Gujarat has also initiated different Policies to inculcate the culture of Innovation and foster entrepreneurship in the state.

IPR GUIDELINES FOR ACADEMIA IN GUJARAT

To cater the need of Intellectual Property (further referred as IP) and the allied support system, the Government of Gujarat has developed guidelines

and environment to open the dissemination and the discussion of ideas for maintenance and exploitation of IP through successful collaboration of academia and the allied stakeholders. The intellectual property guidelines for academia in Gujarat was launched on 10th September 2018 by the Chief Minister of Gujrat, Shri Vijaybhai Rupani.

Said IP guidelines provides a framework to the academic and non- academic staff, students research scholars and outside agencies to protect IP and its ownership, revenue sharing licensing, technology transfer and confidentiality requirements.

The **main objectives of the IP guidelines** by the technological department are:

- To unveil that it will develop an ecosystem to support IPR needs, and give best potential to students, researchers and public at large to have access of IP for their specific purpose at an affordable cost.
- Help industrial stakeholders and students by creating a favorable environment to co-create IP and exploit them, facilitate the commercialization of IP, protect and supervise IP rights so that more IP based, Innovation driven student start-ups emerge out of SSIP
- increase State and national Competitiveness
- This will be done by setting up IP facilitation centers in academia.
- By taking all these steps another objective will be achieved of making Gujarat a leader in knowledge economy by taking systematic steps in long term.

- Seminars, conferences, lectures and training programs are to be conducted in the academic institutes on IP for creating awareness among students and academic staff
- Set up State level IP cell under SSIP
- Make strategies to promote open source IP and open innovation models to accelerate the pace of innovation by letting creators and end users benefit inclusively.
- This will be contributing towards achieving key goals of National IPR policy 2016.
- The implication of this guidelines will be studied periodically to add value by fulfilling the needs innovation and start-up ecosystem around academia.

The IP guidelines are recommended to all stakeholders in State Universities, Government, Government aided and other Student Start-up & Innovation Policy (SSIP) beneficiary institutes under Higher and Technical Education Department in Gujarat which will cover almost all domains of education.

These guidelines mandates for IP facilitation and exploiting other means to harness value from the innovation, creation of student innovators and startups in India and other jurisdictions.

The IP guidelines have an implementation roadmap which includes:

- Setting up of state, **university and college level Intellectual Property Facilitation Centres (IPFC)**
- **IP Creation:** The guidelines share what are the responsibilities of all stakeholders, creators, faculty members/mentors and of the institute in creation of new IP.

- **IP management:** Managing of IP includes managing IP of different types, managing IP in research papers and thesis, for public interest and record keeping.
- **IP ownership:** The ownership of IP depends upon the contribution and the significant use of resources.
- **Assigning of IP:** In case the creator owns the IP, he can assign the IP to the institute under various reasons also vice versa is possible.
- **Licensing, commercialization and profit-sharing:** It guides how the agreements are to be framed in various scenarios
- **It also includes infringement, damages, liabilities;** it also guides what is to be done when one comes to know about any infringement, what can be the damages to be paid or taken
- It guides which stakeholder has what responsibilities and what are the roles of the stakeholders as well as the students on each step from creation of IP to the commercialization.
- This will help and support the students, innovators, research scholars, and employees in the institutes and the key regions of Gujarat to facilitate IP filing and monitoring the IP activities.

For Example:

- When a student or a creator's work has potential to generate IP, the creator can approach the Intellectual Property Facilitating Centre (IPFC) for protection.
- For this they must disclose the invention in an invention disclosure form.
- Before the disclosure both the parties sign the Non-Disclosure Agreement in which they won't disclose any information till the IP is protected.

- There can be more than one IP in an invention.
- It can be worked upon individually or in collaboration with the faculty and institute by using their resources.
- The ownership is decided by the contribution of the stakeholder in the generation of the IP.
- There are various rules and responsibilities for commercializing an IP once it is protected.
- The license will be given by agreement or contract. The revenue sharing will be as per the guidelines and will be covered in the contract.
- In case of legal proceedings, the IPFC will be part of it.

These guidelines are for the academia and students of Gujarat. This is for standardizing the procedures of IP filing from the start to the end, it covers all the basic requirements such as IP creation, Ownership, Management, Administration and the Exploitation through licensing and commercialization. It makes every stakeholder aware of their roles and responsibilities at each stage of the IP filing and the management. This also helps in bringing academia and industry together to create IP which has potential and it can be transferred from the lab to the market. This will help the students, faculties and the industries to be aware of what is Intellectual Property, grow and create IP, thus contributing towards India becoming a knowledge-based economy.

State Startup Ranking Framework by DIPP

Gujarat : Best Performer

Department of Industrial Policy & Promotion (DIPP), Government of India, launched the Startup Ranking Framework for the startup ecosystem of different Indian states. The State Startup Ranking Framework measures and compares the efforts and results of the startup initiatives and exercises undertaken by different State Governments.

In February-2018 ; Gujarat State was ranked as “Best Performer” in the “State Startup Ranking Framework”

The ranking is the result of government's excellent focus on achieving policy objectives, involving experts, academic institutions and other stakeholders. It also shows the benefits that Gujarat Government’s intervention can create on startup ecosystem of the state.

The different Policies initiated by Government of Gujarat are :

a) **Startup/Innovation Policy by Industries and Mines Department**

The primary mission of this policy includes innovation,startups & technology transfer.It provides assistance for Innovation, Assistance like marketing,venture capital etc. once the idea gets commercialized.

b) **IT/ITes & Electronic Startups Policy by Department of Science & Technology**

Government of Gujarat has issued this policy,to nurture entrepreneurship and innovation in Electronics & IT/ITeS sector .It

provides incentives to Eligible Startups such as Interest Subsidy, Lease Rental Subsidy etc.

It also provides Patent Assistance – at the rate of 75% of cost of obtaining patent subject to ceiling of Rs. 2 Lakh per patent for domestic patent and Rs. 5 Lakh per patent for International Patent.

c) Student Startup Innovation Policy

The Student Startup & Innovation Policy of Government of Gujarat aims to create an integrated, state-wide, university-based innovation ecosystem to support innovations and ideas of young students and provide a conducive environment for optimum harnessing of their creative pursuit.

This policy document, therefore, recognises various constraints that budding innovators and entrepreneurs suffer from and take them as inputs while developing a holistic innovation and preincubation model in the state covering more than 60 universities and hundreds of educational institutions. While it's important to support innovators, it's equally important to envisage a sustainable ecosystem-based approach for the state and nation for strategic advantage in the ecosystem.

d) Biotech Mission Policy

Government identified the potential of Biotechnology as a force multiplier in creating growth opportunities for different sectors such as agriculture, education, healthcare, energy, environment, etc. and with an objective of ensuring equitable and inclusive growth and development, Govt. of Gujarat came out with this policy in relation to

providing assistance to Biotechnology Industry and to BT companies / units an investment-friendly, proactive, conducive and hassle free environment in Gujarat, and has also pronounced incentives such as Interest Subsidy, Lease Rental Subsidy, Patent Assistance, Skill Enhancement, Assistance for Quality Certification
etc.

e) Science,Technology and Innovation Policy of Gujarat

This policy is drafted with an aim to provide Science, Technology and Innovation based solutions for fulfilling the needs of Society, Community and Industry for faster economic development.The Policy is laid with certain objectives focused on Research & Development,resource development and capacity building of existing collaborations,convert research into innovation and then into products and services etc.

f) Incentive to Women Led Startups

To promote the women Entrepreneurship and enhance sustenance allowance of women promoters/founders.

The Government of Gujarat has initiated the above policies to inculcate the culture of Innovation amongst the stakeholders such as Students,Universitites,Researchers,Industries, Startups in the state.

9. *Intellectual Property: Indian Laws & Reforms*

This chapter focuses on the Indian IP Regime and highlights the IP reforms within the Indian jurisdiction which has played a key role in enhancing the individual as well as country's progress in the last few years.

Highlights of some remarkable implementations:

Major highlights:

India's cabinet approved the country's accession to the **WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty** (the WIPO internet treaties).

Granting Exclusive economic & Publishing Rights to stakeholders in internet & digital environment

India is already an Accessing Office for WIPO CASE, and is in the process of becoming a Depositing Office.

DIPP and WIPO signed an agreement to establish Technology and Innovation Support Centres (TISC)

India signed an MoU with WIPO in October 2017 on Data Exchange and Data Quality.

The "**IPR Enforcement Toolkit for Police**" jointly prepared by CIPAM & FICCI.

To assist Police in dealing with the cases relating to Trademarks and Copyrights infringements

Deal with IP crimes, specifically Trade Marks counterfeiting and Copyrights piracy.

CGPDTM in issued guidelines for the examination of patent applications in the field of Computer Related Inventions (CRIs August, 2015 .

A Scheme for facilitating Startups Intellectual Property Protection (SIPP) launched for encouraging innovation and creativity of Startups.

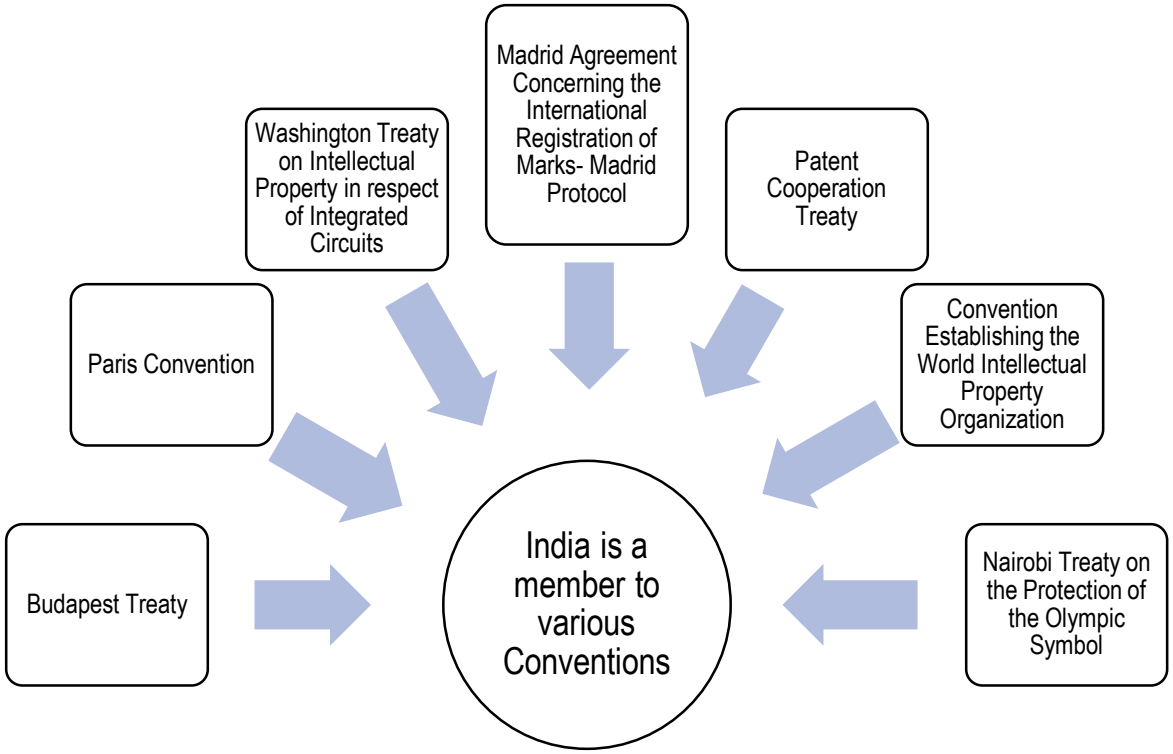
Under SIPP scheme, 80% rebate is provided to Startups on Patent filing fees.

Facilitators are empanelled for the effective implementation of the scheme.

50% fee concession is provided for MSMEs vis-à-vis large entities on patent as also trademark fees.

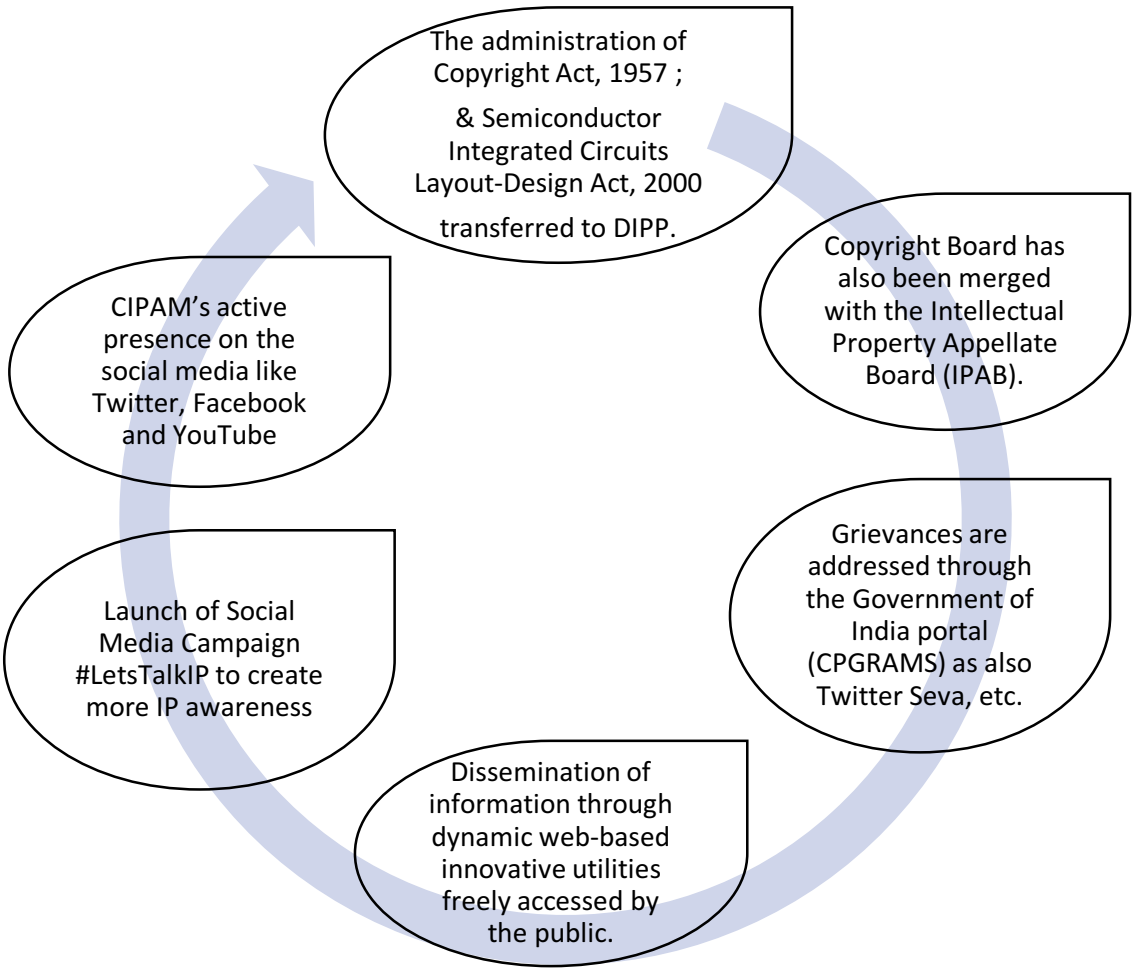
Highlights of some remarkable implementations

India is a member to various Conventions:



Some of the reforms to be noted:

Reform in institutional Mechanism:



Reforms in Trademark:

The Trade Marks Act, 1999 and the Trade Marks Rules, 2002 came into force on 15th September 2003.

Major changes brought in by Trademark Amendment Rules 2017 include,

- Sound marks and 3D marks are made registrable,
- E filing is promoted, video- conferencing allowed for hearings, inclusion of e-mail as a mode of service and expedited processing for the entire trademark prosecution procedure.
- Concessions in fees to Startups, individuals and small enterprises,
- One application Form for all types of trademark applications- reduction of number of Forms from 74 to 8, All kinds of trade mark applications (single class, multi-class, collective marks etc.) is through the same form

Further,

- Pendency reduced from 14 months to less than 1 month
- Increased acceptance of trademark applications for publication from less than 10% to about 40%

Madrid Protocol

- India became the Madrid Protocol's 90th member in July 2013.
- The 1.25 millionth International Registration Number was conferred on an Indian company in 2015.

Reforms in Patent:

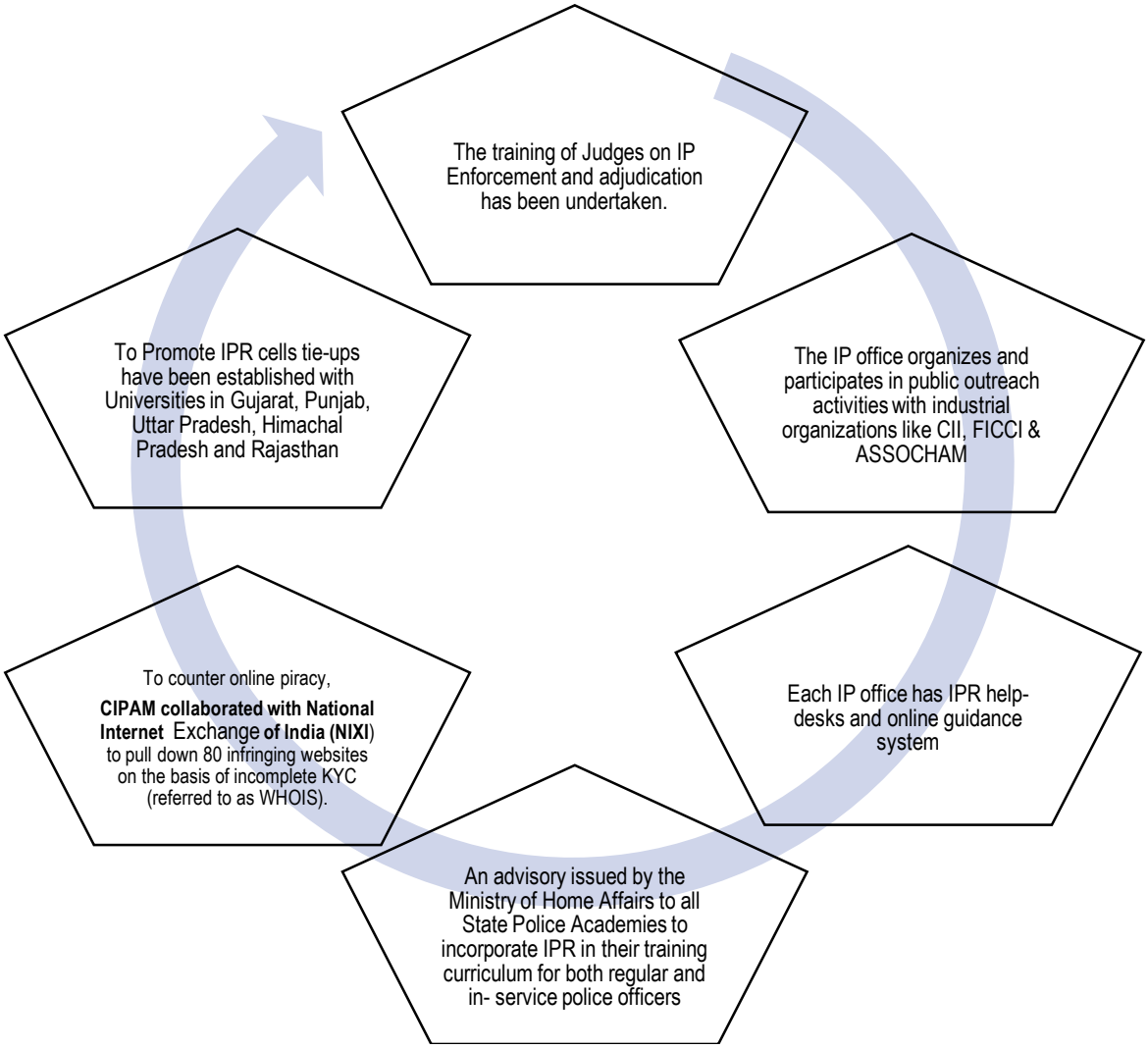
- Pendency in Patent examination is targeted to be brought down from the present 5 to 7 years to less than 18 months.
- Facilitating Startup applications with 80% Fee concession,
- Refund of fees in certain cases permitted
- Withdrawal of application being permitted without any fees
- Inter branch electronic transfer of applications
- Hearing through video-conferencing or audio-visual communication devices is allowed on request.
- Each adjournments of hearing in opposition proceedings shall not be more than 30 days.
- Mandatory online filing by patent agents in order to speed up digitisation and processing of patent applications.
- Expedited the examination a patents if the applicant is a startup, small entity, an institution established by a Central, Provincial or State Act, which is owned or controlled by the government, an institution wholly or substantially financed by the government.

Reforms in Copyright:

Earlier, the administration of The Copyright Act, 1957 was under the Ministry of Human Resource Development (MHRD), Dept. of Higher Education. It has now been transferred to Ministry of Commerce & Industry, Department of Industrial Policy & Promotion (DIPP) vide Cabinet Secretariat Notification S.O. 1163(E) dated 17.03.2016.

- The copyright societies registered in India:
    - Indian Singers Rights Association (ISRA) - for singers performing rights.
    - Indian Reprographic Rights Organisation (IRRO) - for photographic work
- India is a member of International Convention on Copyright & Neighbouring rights
    - Berne Convention for the Protection of Literary and Artistic works
    - Universal copyright Convention
    - Convention for Protection of producers of Phonograms against unauthorised Duplication of their phonograms (Rome Convention)
    - Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties
    - Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement
    - Marrakesh Treaty to Facilitate Access to Published Works by Visually Impaired Persons (VIPs) & Persons with Print Disabilities

Reforms and initiatives for IP training and awareness



In this era of globalization, many companies are driving organic business growth which directs the necessity of stimulating IPR culture in the company. Each day market is filled with new products, brands and creative designs with the continuous innovation and creativity in industries. As the company scales up, to safeguard their inventions they should focus on developing an effective IP portfolio, revisit their IP management strategies and evaluate the value it can generate by further enhancing their IP portfolios. Thus, IPR acts as a strategic tool for achieving competitive advantage in one's own industry. Hence, it is often said that Intellectual Property and business are intertwined.

Handbook on Intellectual Property Rights for Start-ups and Innovators

Mr. Jatin Trivedi
Attorney and Advocate

We got inspired to introduce this handbook for start-ups and Innovators which highlights the benefits imparted to them in the current Intellectual Property Regime.

Thus this book elaborates on the types of Intellectual Property, significance of Intellectual Property for Startups and how startups & Innovators can take benefit from the existing National and State IP policies

Ms. Shaiva Shah
Advocate

Special Publication on the occasion of :

GLOBAL INNOVATION CONCLAVE

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