



# Cluster level IP Awareness Program For Auto Cluster

30<sup>th</sup> July 2013 at Indore (M.P.)



## **Cluster level IP Awareness program**

An initiative of the office of the Controller General of Patents, Designs and Trademarks (CGPDTM) in association with Industry Associations (CII, FICCI, ASSOCHAM)

### **About the Initiative**

In the globally competitive environment, intellectual property has placed itself on a pedestal in the context of economic growth and has become more important than ever. Intellectual Property is the fuel that powers the engine of prosperity, fostering invention and innovation. Being an intangible asset, Intellectual Property plays a very important role in the socioeconomic ecosystem and their creation and protection is essential for the sustained growth of a nation. Increasing significance of intangible assets in the global economy is forcing business organizations to actively manage the role of IP as a key driver for building and sustaining their competitive advantage and achieving superior performance.

Intellectual Property Rights (IPRs) are exclusive rights over such intellectual property granted to creators / holders which protect their rights from misappropriation by third parties without their authorization. They are now not only being used as a tool to protect creativity and generate revenue but also to build strategic alliances for socio-economic and technological growth.

Accordingly, in order to foster the protection of innovations and creativity, the Intellectual Property Office under the Ministry of Commerce and Industry is dedicated to mobilize the use of such technological advancement for the economic development of the country.

Intellectual Property Laws in India are TRIPS compliant and coupled with a strong enforcement mechanism and a vibrant judicial system, they create the best investment opportunities and a conducive environment for protecting IP Rights in order to enable the industrial community to diversify its commercial activities.

India has also developed a national framework for creation and protection of IPRs, which is continuously evolving and meets global standards. The challenge before the country is to scale up the process of IP creation and capture value from the scientific and technological creations to catapult the country into the league of most innovative and developed nations.

Recognizing the importance of intellectual property, the Hon'ble President of India declared the decade of 2011-2020 as the Decade of Innovation. The Future prosperity of India in the new knowledge economy would increasingly depend on its ability to generate new ideas, processes and solutions, and the process of innovation would convert knowledge into social good and economic wealth. The President called upon the people to step up expenditure on research to pursue innovation in a big way.

In a globally competitive world, India had to unleash its innovation potential to increase capacity, productivity, efficiency, and inclusive growth. “The spirit of innovation has to permeate all sectors of economy from universities, business and government to people at all levels.”

Relevance and Importance of Intellectual Property Rights for cluster – The times are changing and now we can no longer count on a large and regulated market to shelter us in the 21st century. In today’s globalised scenario, industries need to step up their efforts and ability to innovate to make better products and become more proactive to protect their innovations. Innovation the successful exploitation of new ideas- is the key business process that enables one to compete effectively in the increasing competitive global environment. It is now critical for the Indian industry to understand the Implications of Intellectual Property protection – both legal and economic, to protect its own business interests in India and abroad.

However, Indian industry is yet to realize the potential role of intellectual property rights despite their inherent innovative capability. This is evident from the applications filed for protection of intellectual property rights. There exists a two-fold need with respect to intellectual property rights in India: Greater understanding across the industrial sector about the fundamentals and different facets of IP and, Advanced learning in the area of patents in order to provide trained individuals who can perform at peak potential from early in their career.

In this background, the Intellectual Property Office, in association with the Industry Associations namely the Confederation of Indian Industry (CII), the Federation of Indian Chambers of Commerce & Industry (FICCI) & ASSOCHAM, has planned to conduct a series of cluster specific awareness programs on IP in year 2013-2014 to create Intellectual Property awareness among the specific clusters so as to encourage these clusters to promote Intellectual Property Right protection.

### **Cluster Selected for 2013-2014**

The following clusters 12 clusters have been identified for these awareness programs:

- 1. Auto - Chennai**
- 2. Leather - Ambur TN**
- 3. Handloom - Ludhiana**
- 4. Leather - Kanpur**
- 5. Gems and Jewellery - Surat**
- 6. Foundry - Belgaon**
- 7. Auto - Pithampur Indore**
- 8. Engineering & Technology - Nasik MH**
- 9. Chemical - Ankleshwar**
- 10. Machine Tools - Bangalore**
- 11. Auto - Pune**
- 12. Coir - Alappuzha Kerala**

## Methodology

The following methodologies were used in conducting these awareness programs.

### Step-1:

A one day awareness programme was held, which is designed with topics covering various aspects of intellectual Property rights including Introduction to Technology Transfer, IP Licensing, Valuation and Auditing and IP Commercialization to offer a comprehensive introduction and up-to-date knowledge to all the participants, particularly those work deals with intellectual property and its effective protection. The program will also focus on issues relating to Enforcement of IPRs & Remedies against Infringement. The 1-day programme would be tailored made as per the specific clusters' requirement.

### Step-2:

The following activities were undertaken by the Industry associations.

- Mapping of Awareness levels currently existing and advice on the way forward, based on questionnaire distributed in the workshop.
- Identifying & short-listing protectable products / processes- creation of a repository of technologies/ products / processes which could be protected through IPRs.

### Step-3:

- Identifying suitable IP Protection for the products/processes or designs identified.
- Suggesting mechanisms for protection of intellectual property.
- Developing a Road Map for IP Management Practices.
- Handholding activities by Industry Associations for filling IP applications.

## Objectives

The Intellectual Property Office has selected twelve clusters out of 39 clusters being supported by Department of Industrial Policy & Promotion under the Industrial Infrastructure Upgradation Scheme (IIUS) for conducting the IP Awareness programs. The overall objective of the training programme is to give both advisory and protection services .The objectives of these awareness programs are mentioned below.

- To sensitize the clusters about Intellectual Property Right and their protection.
- To identify protectable innovations.
- To suggest steps for transforming innovations into proprietary assets.
- To use IP information, particularly relating to patents and designs, for further research and development in developing new product and process.
- Utilize the IP information in their business development.

A **One day** awareness program for Auto Clusters was held at Indore (M.P.) by ASSOCHAM in Association with Intellectual Property Office, Mumbai which was designed with topics covering various aspects of intellectual Property rights and Business Competitiveness, Patents, Trade Secrets, Trademark, Industrial Designs, IP Licensing, IP Valuation, IP Audit and Appreciation of Revenue Model in order to offer a comprehensive introduction and up-to-date knowledge to all the participants. The program also focused on issues relating to Enforcement of IPRs and Remedies against Infringement.



From (L-R) Mr. **R K Bhasin**, joint director, ASSOCHAM, **Ms. Sumeera Seth**, (Legal Attorney), Intl Advocare , New Delhi, **Mr.G.S.Juneja**,Managing Director, Chetak Auto engineering Products Co. Pvt. Ltd. **Dr. K.S Kardam**, Joint Controller of Patents & Designs , Department of Industrial Policy & Promotion, Ministry of Commerce, Govt. of India, **Dr. Gautam Kothari** (President) Pithampur Audhyogik Sangathan, **Mr. Tabrez Ahmad**, (Co-Chairman, National Council on IPR, ASSOCHAM)



While inaugurating the program **Dr. K. S. Kardam Chief Guest, Joint Controller of Patent office, Department of Industrial Policy and Promotions, Ministry of Commerce and Industry, GOI, New Delhi**, made an overview of patent, industrial design and IPR in totality and called upon the delegates to make themselves aware of the benefits of filing applications for patents and industrial design with their office and making a commercial use of it. He placed Auto industry at a platform from where it can enter into competition with international manufacturers for export market share.



Also, **Mr. N. R. Meena, Assistant Controller of Patents & Designs, Department of Industrial Policy and Promotions, Ministry of Commerce and Industry, GOI, New Delhi** made an

overview of Design, registration, procedures & practices and explained the technicalities of “The Design Act 1911”, salient features of the design (amendment) Rules 2008 and filing of application etc. to the delegates and called upon ASSOCHAM to extend the FREE Counseling facilities to the applicants who want to file their applications for patent & design. **Mr. R. K. Bhasin (Joint Director, ASSOCHAM)** assured the audience that all the four Attorneys who addressed them have volunteered to extend the counseling facility absolutely FREE till 30<sup>th</sup> August 2013 to anyone attending this conference.



**Dr. Gautam Kothari, President, Pithampur Audhyogik Sangathan) and Mr.G.S.Juneja,Managing Director, Chetak Auto engineering Products Co. Pvt. Ltd.)** shared the industry perspective and put forward the industry’s expectation from such conferences. They appreciated the initiative taken by ASSOCHAM-IPO Office, for holding such a technical Conference especially for Auto Industry.



**Mr. Tabrez Ahmad, (Co-Chairman, National Council on IPR, ASSOCHAM)** presented overview on Intangible Assets , IP Management, IP Contribution in organization growth, Trade dress, utility Models, importance of IP, business Value of IP for SME, Building an IP portfolio and technology transfer. He answered a good number of queries raised by the delegates.

**Ms. Konpal Rae (Joint Director & patent agent, Lakshmi Kumaran & Sridharan)**

**Ms. Jaya Bhatnagar (Founder and Chairman, Sieben IP)**

**Ms. Sumeera Seth (Legal Attorney, INTTL Advocare)**

**Mr. Abhai Pandey (Attorney at Law, LEXORBIS IP Awareness)**

The above Attorneys took-up secessions on Trademark, Phonetic similarity, procedure of registration of Trademark, Registration, Enforcement of IPR & Remedies against Infringement, criteria for registration, Piracy, Types of Patent Application, Importance of trademark, Economic benefits of trademark, Types of IPR, example of Baja twin spark technology and answered various queries raised by the participants.

The majority of delegates felt that cities other than metros and SMEs located there, are a great driving force of Indian economy for last two decades but somehow they did not get proportionate attention of the authorities and Industry association in the past. The Cluster level IP Awareness program in those cities is very welcome initiative.

Questions raised by delegates....

- a) If any ex-employee copied the design, technology of any machine/equipment, then what should be the procedure to recover it..?
- b) In today's web world, people are doing artistic work or work in which people put a lots of content because content is very important and it can be copied easily also by the websites. So is there any norms, rules and regulation for copyright that exist in those ?
- c) In some of the trademarks we find that on the corner, it is written ® is it necessary to mention?
- d) In a particular automobile components and we have all the calculations and the technical reports and aesthetics are the same but we are doing some internal changes. So does it fulfil the requirement of the patent?
- e) Does Indian Patent give protection worldwide?
- f) Is there any difference in the amount of fees to be paid by an individual or a legal entity for filing a patent application?
- g) If someone invent a product and does not file an application for a product but some of his/her colleague copies and patent I his name. Any remedy?