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Confederation of Indian Industry



INTELLECTUAL
PROPERTY INDIA



WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

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संयुक्त राष्ट्र संघ के अंतर्गत विश्व ज्ञान सम्पदा संगठन द्वारा आयोजित कार्यक्रमों में सहभागिता के माध्यम से ज्ञान सम्पदा को सुरक्षित रखना और प्रचारित करना।

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Workshop Agenda

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- B. Objectives
- C. Place of the Workshop
- D. Inaugural Sessions
- E. Participants
- F. Recommendations & Conclusions
- G. About Organisers
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 - (ii) Confederation of Indian Industry (CII)
 - (iii) World Intellectual Property Organisation (WIPO)
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A. Intellectual Property Rights

Intellectual Property Rights (IPRs) are a set of exclusive rights protected by law which are accorded to creators or persons over their creations for a certain time period. An IP right holder can realize value from its intellectual assets through utilizing it internally for its own processes or share it externally through provision of goods and services to customers. The latter can be achieved through legal mechanisms such as licensing or assignment.

In today's globally competitive environment, intellectual property has placed itself on a pedestal in the context of economic growth and is becoming increasingly important. Intellectual Property (IP) is the fuel that powers the engine of prosperity, fostering invention and innovation. The increasing significance of intangible assets in the global economy is forcing business organizations to actively manage their IP as a key driver for building and sustaining their competitive advantage and achieving superior performance.

IPRs are now being used not only 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.

The generation of IP largely takes place at the State level through small, medium and big industries, academic institutions and individuals. Most States have not yet evolved their IP strategies and ecosystems in terms of effective facilitating services for all sectors including MSMEs and start-ups, creating awareness, conducting training programs, systems for utilization of

IPR etc. States need to maximize the benefits from their intellectual property by stimulating higher levels of innovation through a judicious system of rewards, ensuring timely and effective legal protection for IP and leveraging strategic alliances for enhancing the value of the intellectual property created in the State.

Madrid Protocol

The Madrid Protocol is an international treaty adopted in 1989 in order to remove the difficulties that were deterring some countries from acceding to the Madrid Agreement 1891 treaty that established the system for the international registration and trademarks. The Protocol, which has been in force since April 1, 1996, has become convenient and economical means of securing trademark registration in member countries in Asia, Africa, Europe, Middle East, the Pacific Rim and the Western Hemisphere.

A party can file if that party (a) is a national of, (b) has a real and effective industrial or commercial establishment in or (c) has a domicile in one of the contracting parties of the Protocol. Thus, a party may be able to file through more than one national trademark office. An International Registration application is filed at the Bureau through the office of origin of the basic national application or registration. It cannot be filed directly at the Bureau.

The Protocol eliminates the high filing costs typically associated with filing a separate national application in each country/jurisdiction in which protection is sought. Cost savings are also realized at the post registration stage. Renewals, recordals of changes in the name or address of the proprietor, and assignments can be carried out centrally at the Bureau without their having to be recorded separately in each of the designated countries/jurisdictions. The Protocol can be used to secure trademark protection economically in many countries/jurisdictions (eg Australia,

China, the European Union, India, Japan, the Republic of Korea, Mexico, Russia and the United States), as well as in many others of commercial significance. A number of Latin American countries are moving towards adoption of the Protocol.

The Protocol allows for applications to be filed in additional designated contracting parties after the initial filing. However, that the International Registration and all national designations under that registration will fall due for renewal at the same time even if a specific country/jurisdiction was designated after the initial filing. In other words, even if the holder designates a new country/jurisdiction in the ninth year of the International Registration, he will still have to pay renewal fees at the tenth anniversary of the International Registration for all designations, including the new country/jurisdiction. (Ref: WIPO's Madrid Protocol Resources; International Trademark Association 2014)

India's Trademark Law and its Evolution

- India's Trademark Law is governed by the Trademark Act, 1999, which governs the law relating to trademarks in India
- These came into force on September 15, 2001, replacing the Trade & Merchandise Marks Act 1958 & Trade & Merchandise Marks Rules 1959
- The Trademark Act, 1999 incorporates the provisions of the Trade & Merchandise Marks Act, 1958, and the Trade & Merchandise Marks Rules, 1959. The Act has been passed and published in the official Gazette, by the Government of India
- The Trademark Act, 1999 is being published in the official Gazette of the Government of India to invite comments/suggestions. from the public

The main objective of the seminar was to increase IP filing of states and thus building a robust IP ecosystem in the states of India. Involving and sensitizing SMEs to become more inclined and pro to IP filings.

- To enabled the Intellectual Property System in our country which in turn enabled the Indian and foreign companies to align themselves with global IP standards.
- To strengthen up the opening up of various sectors triggered attraction within foreign companies to invest in our country subject to protection of their technology and intellectual property.
- To open new avenues for MSMEs of the State and the region for entering the global market through protecting their IPs with respect to technology, product development, process etc.
- To assist States in creating/developing a Strong IP ecosystem thereby, transforming it into an attractive investment destination for the Industries.
- To sensitize the SME clusters about Intellectual Property Right and their protection.
- To identify protectable innovations in all the sectors.
- 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

Dr. Anand Kumar, Secretary, Government of West Bengal

With the Prime Minister, [Shri Narendra Modi](#), going places pitching for 'Make in India' across the globe, it's high time Indian businesses went in for the Madrid System of trademark registrations to manage their portfolios globally, said experts at the Roving Seminar on Public Awareness Building on the Madrid System for the International Registration of Marks. According to them, the Madrid System will go a long way in promoting goodwill, brand and reputation of Indian brands in global markets. "The Make-in-India campaign is a clear signal. It is clear that the economy is set for a shift from a services-led growth to a labour-intensive manufacturing-led growth. Now, it is time for us to protect our assets," said [Dr. Anand Kumar](#), IAS, Controller General of Patents, Designs and Trademarks. According to him, it is IPR that will determine how the country progresses. [Dr. Anand Kumar](#), Executive Director and Chief of Staff, Office of the Director General, World Intellectual Property Organization (WIPO), Geneva, said it is time businesses in India, especially the SMEs, understood the enormous benefits of the Madrid Protocol. He also spoke of the "immense value" of creativity and innovation, which in his view, will be the game-changer for businesses in the 21st century. Also present at the Seminar were eminent speakers such as [Dr. Anand Kumar](#), Senior Counsellor, Information and Promotion Division, Madrid Registry, Brands and Designs Sector, WIPO and [Dr. Anand Kumar](#), Attorney-at-Law, Fuhrer Marbach and Partner, Bern, Switzerland.

Dr. Anand Kumar, Secretary, Government of West Bengal

There were almost 115 participants in the Seminar from different cross-sections of the industry, academia, professional and legal fraternity of the State of West Bengal as well as the region.

There was a considerable participation from different Attorney Firms who are already working with the Trade Mark Registry Office at Kolkata. Renowned Attorney Firms/Agents viz D P Ahuija, Khaitan & Co, Lexmotion, Daswani &

The Agreement marked a transition for WIPO from the mandate it inherited in 1967 from BIRPI, to promote the protection of intellectual property, to one that involved the more complex task of promoting technology transfer and economic development.



Mr Prasad is the Controller General of Patents, Designs and Trade Marks (CGPDTM) of the Government of India. He took over charge as the Head of the Intellectual Property Office of India since 12th March 2012 and he functions as the statutory authority for the administration of Patents, Designs, Trade Marks and GI laws in Indiaviz., He is the administrative head of Patent Offices located at Mumbai, Chennai, Delhi and Kolkata, Trade Marks Registry offices located at Mumbai, Chennai, Delhi, Kolkata and Ahmedabad, Geographical Indications Office at Chennai and Office of Patent Information System(PIS), Nagpur and Rajeev Gandhi National Institute of Intellectual Property Management (RGNIIPM) located at Nagpur. Besides, he is also holding the additional responsibility of Director of Indian Rubber Manufacturers' Research Association (IRMRA) since April, 2014. Before taking over as Controller General of Patents, Designs and Trademarks, he held the post of Joint Secretary in the Department of Industrial Policy and Promotion, Government of India, Ministry of Commerce & Industry handling various subjects such as leather and explosives industrial sectors, industrial licensing, UNIDO etc. He was also looking after investment promotions and international cooperation with the countries of North and South America.



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A portrait of Mr. Prasad, a middle-aged man with dark hair, a mustache, and glasses. He is wearing a dark suit jacket, a white shirt, and a striped tie. The background is dark and out of focus.

Mr Prasad is currently the Executive Director and Chief of Staff, Office of the Director General, World Intellectual Property Organization (WIPO), Geneva. He has had extensive management and administrative experience at senior levels both with the United Nations in WIPO and at state and national levels in India. Since 2009, Mr. Prasad has served as the Executive Director and Chief of Staff to the Director General of WIPO. He also served with the United Nations Industrial Development Organization (UNIDO) for three years during the 1990s. As a member of the Indian civil service, Mr. Prasad has close to 33 years' experience with the Government of India in various assignments including with the United Nations. He served for 15 years in the field of Industry and Commerce and was India's focal point for intellectual property issues. Mr. Prasad holds a double Masters degree in Arts and Economics and was educated at the prestigious St. Stephen's College in Delhi University.



Mr. Chakravorty served as the Managing Director of Tata Ryerson Ltd. (alternatively Tata Steel Processing and Distribution Limited). Prior to joining Tata Ryerson Ltd. in May 2001, Mr. Chakravorty held various positions in Tata Steel where he joined in 1975 as a Materials Controller. From Material Controller he moved on to become a Product Manager / Regional Manager / Marketing Manager for different Steel Product Groups & Regions. Mr Chakravorty is the Present Chairman of the CII North East Council and the Past Chairman of CII Eastern Regional Council. In additional Mr Chakravorty is a Member of the Executive Committee and Member of the Investment Committee Tata Steel Processing and Distribution Limited, Chairman of the Jamshedpur Utilities & Services Company Limited and Director, mjunction Services Limited. He is a Post Graduate from Case

Government of India. He discharges his duty as Head of administration in Kolkata Head Office. He works as a Tribunal in Opposition section. He deals with the Public Grievances in his domain. He is responsible for promoting and implementing the Madrid Protocol. He has also participated in a WIPO training programme held in Tokyo in the year 2014. Prior to his current engagement he was a practicing Lawyer for more than Twenty years.



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Mr Tiwari has been working as Assistant Registrar of Trade Marks in Trade Marks Registry, Government of India, and is heading the Examination, Publication and Registration Section of the Trade Mark Registry at Mumbai. He is supervising all the functions related to implementation of the Madrid Protocol in India and also

heading the IT Committee and is also responsible for automation of Trade Mark Registry. In addition he is responsible for hearing and disposal of trademark matters assigned from time to time. Prior to this he was a practicing advocate in the District Courts of Uttar Pradesh.



Mr Uchil is a Senior Examiner of Trade Marks and GI, Government of India. He is responsible for computerization of trade mark process “, Development of various modules for the process of Trade Mark application, implementation of online filing of both Trade Mark application and Madrid Protocol applications and Utility Modules as well as public

search etc

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Monday, 24th November 2014, , Kolkata

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1. Introduction



(This article was published on November 24, 2014)

The Telegraph, Kolkata 24 November 2014

Focus on trademarks

A STAFF REPORTER

Calcutta, Nov. 24: Indian companies need to be more aware about getting their trademark registrations in overseas markets under the Madrid Protocol, a government official said today.

The Madrid Protocol system provides for the international registration of trade marks by way of one application that can cover more than one country.

It is a                              



Chaitanya Prasad in Calcutta on Monday.

Picture by Kishor Roy Chowdhury

and facilitate foreign firms to file their trademarks in India.

"Hopefully, as the industry becomes stronger, it will need more protection in the international market and will have to file in more countries. So they will have to start opting more for Madrid Protocol," Chai-

